

Review of the Queensland Resources Safety and Health Regulatory Model



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Executive Summary

This report sets out the findings and recommendations from the *Review of the Queensland Resources Safety and Health Regulatory Model* (the Review) conducted from June to September 2025.

The Review examined the appropriateness and effectiveness of the overarching model for regulating resources safety and health in Queensland as well as the effectiveness of each component within the framework, namely the Commissioner for Resources Safety and Health (CRSH); the regulator, Resources Safety and Health Queensland (RSHQ); and the existing legislated sector specific Advisory Committees, the Coal Mining Safety and Health Advisory Committee (CMSHAC) and the Mining Safety and Health Advisory Committee (MSHAC).

The Reviewer found that the current model is intrinsically flawed given it provides insufficient oversight and accountability for RSHQ, and the role of the CRSH is not adequately defined. In practical terms, the flaws in the model have meant that neither RSHQ nor the CRSH role has been as effective as they might otherwise have been.

Under the current model, RSHQ has not had the benefit of the guidance, strategic direction, and challenge that would have assisted the organisation to better manage key aspects of its role. The Reviewer found that there is a need for significant improvement in RSHQ's approach to:

- Investigations and enforcement.
- Information sharing and engagement with stakeholders.
- Leadership of the Explosives Inspectorate.
- Being a risk-based regulator.
- Understanding and responding to internal cultural issues.

The Review Report also highlights other opportunities for enhancement of RSHQ operations.

The Reviewer recommends that the existing resources safety and health regulatory model be amended by the establishment of a governing board to oversee RSHQ, the CRSH role, and the Advisory Committees. The Reviewer has also recommended adjustments to the CRSH role and the role and scope of the Committees.

In addition, this Report makes a range of specific recommendations in regard to the operations of RSHQ. In several areas there is a need for urgent change.

A suggested approach to implementing the Review Recommendations is provided at the end of this Report.

In common with many of the stakeholders who engaged with this Review, the Reviewer thanks the Minister for Natural Resources and Mines, Minister for Manufacturing and Minister for Regional and Rural Development, the Honourable Dale Last, for commissioning this Review. As this Report indicates, the Review was both timely and necessary. It is to be hoped that the Review Report will provide a platform for change to the benefit of both the entities who comprise the resources safety and health regulatory model; and all those who are impacted by the work they do.

Introduction

As outlined in the Review Terms of Reference, the core purpose of the Review was to ‘examine the existing regulatory model for resources safety and health in Queensland to ensure it is operating in a manner best suited to drive effective safety and health outcomes for the resources industry in Queensland’. The Review scope also provided for specific consideration of:

- The operating relationships between RSHQ, the CRSH, the Advisory Committees and the Minister.
- The structure of the regulator.
- Processes for investigations, including investigation reports.
- The recommendations of the 2018 Project Management Office (PMO) Report.
- The effectiveness of establishing an advisory council or board to provide strategic advice and direction to the regulator.
- The extent to which the current regulatory model is consistent with good practice as it relates to safety and health improvements.
- Whether any modifications to the existing model or any alternative model would be more effective in ensuring and improving resources safety and health outcomes.

The Review was primarily carried out by Industry Professor Susan Johnston (hereinafter referred to as ‘the Reviewer’) from the University of Queensland’s Leading for High Reliability Centre (LHRC), with expert assistance being provided by Professor Maureen Hassell, Director of the Minerals Industry Safety and Health Centre (MISHC) at the University’s Sustainable Minerals Institute, and Professor David Cliff from MISHC. (For clarity, when all three University representatives were involved in a particular activity this is described as being conducted by ‘the Review Team’).

The Reviewer was ably assisted by _____, and _____, from the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the Department). The Reviewer wishes to place on record her appreciation for the support provided by _____ and _____, in particular in the organisation of a very considerable number of stakeholder interviews.

Methodology

Process

Document Review

The Review commenced with a detailed assessment, by Professors Johnston, Hassall and Cliff, of a large number of documents provided on request by RSHQ. These documents covered a wide range of topics including: structure and staffing; operational activities; enforcement, investigations and prosecutions; and strategy and innovation. The Reviewer is conscious of the effort required to assemble this material and wishes to thank Chief Executive Officer, Rob Djukic, Acting Chief Operating Officer Jennifer Cheung and other staff at RSHQ for the provision of all requested material in a timely manner. Documents were also provided by the Acting CRSH and his office, and, again, the Reviewer places on record her thanks for their assistance.

The document assessment allowed the Review Team to begin to form a picture of how RSHQ, and current and former Commissioners, have described their priorities and activities. The document assessment also allowed for identification of issues for further exploration during consultations.

For comparative purposes, the Review Team also examined documents on structure, investigations, and industry engagement issued by other regulators including the New South Wales Resources Regulator and the WorkSafe Group within the West Australian Department of Local Government, Industry Regulation and Safety (and its predecessor regulators).

In addition, the Reviewer considered a range of published material on regulatory good practice and on High Reliability Organisations (HROs). The Reviewer was keen to ensure that judgements on the adequacy or otherwise of the approaches used by the key entities in the Queensland resources safety and health regulatory model were soundly grounded in an understanding of what excellent, or even adequate, practice looks like.

In all, more than 250 documents were examined by the Review Team in this phase. Given the volume, the Report bibliography (at Appendix 1), lists only those documents referenced in the Report.

Consultations

The Review Team then met with 114 stakeholders. Most of these interactions took the form of hour-long semi-structured interviews conducted by Professor Johnston. There were 81 such interviews. Interviewees were advised that while any points made by them might be taken up in the Review Report, in most instances those points would not be specifically attributed to them (unless prior authorisation to do so had been provided). Many interviewees were strongly appreciative of the opportunity to have confidential discussions with the Reviewer.

In accordance with standard Reviewer practice, interviewees were routinely asked to provide evidence for the comments they made. Where, for example, an interviewee expressed an opinion that something was 'inadequate' they would be asked to explain what that comment was based on, and to provide specific examples. These follow up questions were used to ensure that information gained from interviews was robust, and actionable. If an interviewee expressed an opinion that was not supported by evidence, then this was noted in the interview record.

Discussions were held with industry representatives (representing the Queensland Resources Council, Cement Concrete & Aggregates Australia, Australian Energy Producers, the Association of Mining and Exploration Companies, Peabody Australia, Orica, Anglo American, the Australasian Explosives Industry Safety Group, the Master Plumbers' Association of Queensland, the Board of Professional Engineers, industry consultants, and individual duty holders some of whom requested anonymity), union representatives (representing the Mining and Energy Union, the Australian Workers' Union, and the Electrical Trades Union), and the Assistant Workplace Health and Safety Prosecutor. All members of CSMHAC were interviewed, as were all but one of the current members of MSHAC. In most instances, in addition to discussing the role and effectiveness of the Committees, these interviewees also commented on the regulatory model more broadly on behalf of their organisations. The Reviewer also spoke with several former members of the Committees. Former CRSH Kate du Preez, former 'interim' CRSH Andrew Clough, and current Acting CRSH Ken Singer were also interviewed.

Professors Hassall and Johnston also separately conducted discussions with other regulators and government representatives (from Worksafe Western Australia, Safe Work Australia, the New South Wales Resources Regulator, Queensland Health, the Department and the Queensland Office of Industrial Relations).

In addition, the Reviewer met with 42 RSHQ staff members. These individuals were a mix of invited attendees (26) chosen to provide coverage across key roles and locations, and self-nominated interviewees (16). Twenty interviewees were based in regional areas. The interviewees were drawn from all areas of

RSHQ, however, the majority of interviewees (30) worked within one of the four Inspectorates. The Reviewer also met with 5 former RSHQ staff members.

RSHQ interviewees frequently expressed considerable concern about being identified in the Review Report. Accordingly, while some quotes from RSHQ interviewees are used in this document, care has been taken to ensure that these cannot be linked to particular individuals. Having said this, it is important to note that almost all RSHQ interviewees approached the Review as an opportunity to highlight issues that, if addressed, could significantly improve the effectiveness of the regulatory model, and of RSHQ in particular. These interviewees were positively motivated to make change, rather than seeking to air personal grievances. In the handful of instances where an interviewee *did* raise a specific personal complaint, and seek to progress this via the Review, those individuals were advised that they should use more appropriate channels for this purpose.

In order to give a sense of how widely held particular views are, this Report uses descriptors such as ‘most’, ‘many’, ‘some’ and a ‘few’. Where possible, stakeholder views are also described by category, e.g. ‘petroleum and gas inspectorate staff’. Where anonymised quotes are used these are accompanied by an indication of how representative the quotes are.

Written Comments

The Reviewer also provided an opportunity for interested stakeholders to submit written comments. In all, we received 31 separate submissions, ranging from short emails to 30-page documents. Eighteen of these came from industry associations, companies and other interested individuals. The remaining 13 documents were submitted by RSHQ staff. All documents have been treated as ‘in confidence’ by the Reviewer, (and, indeed, the majority of those providing written comments did so on the proviso that these comments would not be attributed to them in this Report). However, some organisations have indicated that they will also provide their submissions directly to the Minister. A list of all those who provided written comments (with RSHQ staff and others anonymised as requested) is at Appendix 2.

Data Analysis

The Reviewer then categorised all information collected, (regardless of source) by theme. For each theme the Reviewer considered the extent to which supporting evidence had been provided. In some instances, the Reviewer sought supplementary information from the Acting CRSH, and RSHQ, in order to test points made in interviews or submissions.

The full Review Team then assessed all the information collated by theme and discussed key issues and potential responses.

The findings and recommendations set out in this Report are based on an exhaustive analysis of what has proven to be a very considerable number of data points.

Reporting

This Report discusses the regulatory framework as a whole, before considering the effectiveness of the CRSH role, the Committees, and RSHQ. Findings and recommendations are included in each section (and sub-section in the case of RSHQ).

Findings and recommendations are also reiterated later in the Report.

The final section of the Report consists of a suggested implementation plan and process.

Though the full Review Team has considered all of the matters outlined in this Report, the document itself, and the final conclusions drawn, are the work of the Reviewer.

Regulatory Effectiveness

As Professor Cary Coglianese, Director of the Penn Program on Regulation at the University of Pennsylvania has indicated, there are 'hundreds of attributes used to describe ideal or excellent regulators'.¹ However, there are also some characteristics that are broadly endorsed by academics and regulatory practitioners alike.

The Reviewer has synthesised work from the Penn Program, other key academic authors, the Global Code of Integrity for Labour Inspection, consulting firm Noetic, and the Queensland Treasury to describe core attributes that, ideally, should be present in any well-functioning regulatory system namely:

Accountability	All those exercising regulatory powers should be subject to regular scrutiny to ensure that those powers are exercised appropriately. There should be capacity for regulator priorities, approaches, and behaviours to be challenged, and for regulators to be held to account.
Transparency	The regulated community should be able to readily and clearly see what is required of them, what decisions the regulator is making, and the rationale for those decisions.
Engagement	Given that the key functions of a regulator are to inform, encourage, and enforce behaviour in accordance with laws and expectations, deep engagement with the regulated community is essential. This means listening, as well as telling. It also means responding to questions, issues and concerns from the regulated community. Excellent regulators will work collaboratively with the regulated community to devise new and improved ways of dealing with emerging or intractable issues.
Competency	Regulators need to have the skills and experience to understand issues, breaches, and opportunities for improvement in the work of the communities they regulate.
Fairness	Regulator powers need to be exercised consistently, and in proportion to the nature of the risk or breach.
Outcomes-focussed	Measurement of performance should be concentrated on outcomes, rather than simply activities, (though some activity measures will also be required).
Risk-based	Regulators should prioritise identification of, and response to, areas of highest risk.
Timeliness	It is important to provide information, decisions, and advice to the regulated community in a timely fashion. Rapid sharing of information on incidents, issues, and investigations is one of the hallmarks of an effective regulator.
Independence	There should be clear systems in place to deal with undue influence, regulatory capture and corruption.
Innovation	Regulators should be early adopters of new approaches that will assist them to influence good practice in the regulated community. ²

¹ Cary Coglianese, *Listening. Learning. Leading. A Framework for Regulatory Excellence*, Penn Program on Regulation, University of Pennsylvania Law School, 2015.

² Cary Coglianese, 'From Crisis to Confidence: Navigating Turbulent Times with the Global Push for Regulatory Reform to Boost Efficiency', *National Regulators Community of Practice 2025 National Conference Presentation*, August 2025; Coglianese, *Listening. Learning. Leading*; International Association of Labour Inspection, *Global Code of Integrity for Labour Inspection*; Edmund Malesky and Markus Taussig, 'The danger of not listening to firms: government responsiveness and the goal of regulatory compliance', *The Academy of Management Journal*, vol. 60, no. 5, *Special Research Forum: Grand Challenges in Management*, 2017; Shelley H. Metzenbaum and Guaran Vashist, 'What Makes a Regulator Excellent? Mission, Funding, Information and Judgement', in Cary Coglianese (ed.) *Achieving Regulatory Excellence*, Washington D.C., 2016; Noetic, *Independent Review of the Queensland Mines Inspectorate*, 17 April 2020; Queensland Treasury, *Queensland Government Regulator Performance Framework*, Malcolm Sparrow, *The Regulatory Craft: Controlling Risks, Solving Problems and Managing Compliance*, Washington D.C., 2011.

In addition, well-functioning regulators prioritise internal organisational coherence. Organisations that function effectively internally, are better placed to regulate externally.³

High Reliability Organisational (HRO) theory and application tells us that organisations who reliably deliver on their goals exhibit six characteristics:

Collective Mindset

There is a shared sense of organisational purpose, and each member of the organisation understands how their work contributes to achieving organisational goals.

Sensitivity to Operations

The organisation prioritises effective internal communication, and creating space for employees' views to be heard, and responded to. Silos are identified and addressed.

Deference to Expertise

In HROs those who have relevant knowledge and expertise are listened to, regardless of their place in the organisational hierarchy.

Reluctance to Simplify

More highly reliable organisations avoid jumping to solutions before fully understanding problems. They do not over-simplify issues.

Commitment to Resilience

The necessary human, material and financial resources are in place to prevent problems, respond to issues when they arise, and learn from failure

Preoccupation with Failure

More highly reliable organisations track small errors of many kinds (including, for example, communication breakdowns) and address these before they become major issues.⁴

HRO characteristics are applicable to all organisations including regulators. Indeed, HRO characteristics have now been applied across multiple circumstances, sectors, and settings to diagnose, and then address, organisational issues.⁵ The absence or presence of these characteristics can provide useful insights into the internal coherence of the Queensland resources safety and health regulatory model.

In reviewing the model, and the effectiveness of the key component parts (the CRSH, RSHQ, and the Committees), the Review Team has had regard to the attributes of regulatory and organisational excellence outlined above.

Exclusions

The Review focused on the structures and entities in place since the passing of the *Resources Safety and Health Queensland Act 2020* (RSHQ Act). The activities of the Commissioners, regulator, or Committees prior that period were not explored in any detail.

The Reviewer also viewed the following aspects as out of scope:

- The regulatory funding model;

³ Coglianese, *Listening. Learning. Leading.*; International Association of Labour Inspection; *Global Code of Integrity for Labour Inspection*; Metzenbaum and Vasisht, 'What Makes a Regulator Excellent?'

⁴ J. Cantu, and A. Gharehyakheh et al, 'Assessing the HRO: Tools and techniques to determine the high-reliability state of an organization', *Safety Science*, vol. 134, 2021; S.A Haslam and J. Jetten et al, 'Developing high-reliability organisations: A social identity model', *Safety Science*, vol. 153, 2022; L. Howe, S. Johnston and C. Cote, 'Mining-related environmental disasters: A High Reliability Organisation (HRO) perspective', *Journal of Cleaner Production*, vol. 417, 2023; K. Weick and K. Sutcliffe, *Managing the Unexpected: Sustained Performance in a Complex World*, 2015.

⁵ See for example work done at the Sandfields Secondary School. E. Schaffer, D. Reynolds and S. Stringfield, 'Sustaining turnaround at the school and district levels: The High Reliability Schools Project at Sandfields Secondary School', *Journal of Education Studies*, vol. 17, 2012.

- The Queensland Mines Rescue Service;
- The Board of Examiners (BOE).
- Resources safety and health legislation.

Considerable comment on both the funding model, and the BOE was nevertheless provided to the Review by industry representatives. The Reviewer considers that both aspects merit further consideration by government. The Reviewer shares the concerns expressed by many to the effect that there is currently a 'dire shortage of qualified persons for statutory roles'. The BOE's ability to process candidates, and the extent to which the BOE model continues to represent good practice, are just two of the matters that could be usefully assessed in a subsequent study.

The Overarching Regulatory Framework

The Current Model

The RSHQ Act established RSHQ as an independent statutory body. According to the Explanatory Notes to the Resources Safety and Health Queensland Bill 2019 (RSHQB), the decision to create a 'statutory body, rather than a statutory authority, [was aimed at] ensuring that RSHQ would not be...subject to oversight from an administering department'.⁶ The RSHQ Act provides for the appointment of a CEO under the RSHQ Act rather than under the *Public Service Act 2008* (PSA). The RSHQ Act also sets up an employing office which, 'enters into...a work performance arrangement with RSHQ under which' employees of the organisation, other than the CEO are public servants under the PSA'. Under the RSHQ Act the Minister is able to issue directions to RSHQ about the performance of its functions or the exercise of its powers, but is unable to issue a direction in relation to the 'the performance of RSHQ's functions under a Resources Safety Act or the exercise of RSHQ's powers under a Resources Safety Act'.

The RSHQ Act also established the role of the Commissioner for Resources Safety and Health', ('replacing the [pre-]existing Commissioner for Mine Safety and Health position'). This was more than a change of name. The Act altered the role of the Commissioner, with the CSRH's accountabilities now being: advising the Minister; responding to requests from the Minister for advice on particular matters; chairing CSMHAC and MSHAC; engaging with representatives of the explosives and gas sectors; and 'monitoring, reviewing and reporting to the Minister on the performance of RSHQ's functions'. The CSRH no longer has the explicit function of reporting to the Parliament on the administration of provisions about safety and health under the Act and other mining legislation. The 'CSRH has the power to do anything necessary or convenient to be done for the performance of the Commissioner's functions'. Curiously, given the CSRH's stated function of reviewing RSHQ performance, the Act also provides at s65 that the Commissioner's budget must be prepared 'in consultation with the CEO' of RSHQ.

The functions of CSMHAC and MSHAC are set out in the *Coal Mines Safety and Health Act 1999* (CMSHA) and the *Mining and Quarrying Safety and Health Act 1999* (MQSHA) respectively. The primary functions of both Committees are to 'give advice and make recommendations to the Minister about promoting and protecting 'workers, and to 'periodically review the effectiveness of the control of risk' to workers. The Committees also have a range of additional roles including 'recognising, establishing and publishing' competencies required under the regulatory model. Since 2020, the Committees have also had the function of 'providing information to the Minister about the performance of RSHQ'. However, the Committees no longer have their previously legislated accountability for periodically reviewing the effectiveness of legislation, regulations, and, in the case of CSMHAC, recognised standards.

⁶ *Explanatory Notes*, Resources Safety and Health Queensland Bill 2019, Queensland Legislative Assembly, 2019.

Another notable feature of the current regulatory model, and departure from previous practice, is the allocation of decision making on whether or not to prosecute serious offences to the Workplace Health and Safety Prosecutor (WHSP).

The Explanatory Notes to the RSHQB indicated that the establishment of the regulatory model described above had its roots in the Parliamentary Coal Workers' Pneumoconiosis (CWP) Select Committee recommendations of 2017, and the Project Management Office's (PMO's) *Queensland Resources Safety and Health Regulator and Funding Models Report* of 2018. However, the structure put forward in the Bill, and subsequently enshrined in the RSHQ Act, differed from both Reports in a number of respects. Most notably, the current regulatory model does not include a governing board (as recommended by the Select Committee) or an Advisory Council (as recommended by the PMO).

Intrinsic Flaws in the Regulatory Model

The Explanatory Notes to the RSHQB indicate a belief that the resources safety and health regulatory model that would go on to be established in 2020 would 'ensure appropriate independence and transparency and enhance independent oversight of the performance of the regulator'.⁷ The Reviewer is strongly of the view that this belief was misguided. The regulatory framework put in place in 2020 has three intrinsic flaws. Two of these relate to 'oversight of the performance of the regulator'.

The scope and nature of the CRSH's role in 'monitoring, reviewing and reporting to the Minister on the performance of RSHQ's functions' is unclear. Does this provision allow the CRSH to report on RSHQ generally, for instance on budget priorities, or organisational key performance indicators (KPIs)? Is the CRSH meant to exercise some form of governance over RSHQ, or is the CRSH an informed observer only? What information should the CRSH expect RSHQ to provide to her or him? Can the CRSH compel RSHQ to do so? What role can the CRSH, as a single officer with a small staff provided by RSHQ, realistically play?

More generally, assuming that the CRSH is not expected to exercise governance over RSHQ, the current model appears to have set up a situation where it is difficult for any party to provide substantive oversight over RSHQ. While it may be argued that this is a role that can be played by the Minister, in practical terms it seems unlikely that any Minister would be in a position to do so given the demands on Ministerial time and the range of activities and issues that fall within RSHQ's scope. This reality raises serious in principle concerns about accountability. While the Reviewer notes that RSHQ is, of course, subject to sporadic scrutiny by other agencies, (notably the Queensland Audit Office and the Queensland Ombudsman), even without examining the operations of RSHQ, or taking on board the views of stakeholders, doubts arise as to whether this level of oversight is sufficient.

Assessment of the activities and performance of both the CRSH role and RSHQ indicates that the above in-principle issues with the existing regulatory model have, in practice, negatively impacted the effectiveness of both the Commissioners, and RSHQ.

. There are also a number of key aspects of RSHQ's operations that would have benefited from greater scrutiny, guidance and accountability over the past five years. These matters are discussed in considerable detail in subsequent sections of the Report.

The third, related, intrinsic flaw in the current regulatory model is a lack of clarity over what the CRSH role is meant to achieve overall.

⁷ *Explanatory Notes*, Resources Safety and Health Queensland Bill 2019.

Stakeholder Views

Accountability

The Reviewer asked most interviewees for their views on the adequacy of the current overarching resources safety and health regulatory model. The vast majority of all interviewees, regardless of background, and including RSHQ interviewees, were dissatisfied with the mechanisms in place to ensure accountability of the regulator. This concern was also raised in the majority of written submissions provided to the Review. The following is a representative sample of the views expressed:

'Being independent is good, but we also need to be accountable for what we do' (RSHQ employee).

'The Commissioner doesn't have a lot of power. There's absolutely an accountability gap' (RSHQ employee).

'Please don't leave the structure as it is. Everyone needs to be held accountable, including RSHQ' (industry representative).

'Right now, we have a so-called Board in charge of RSHQ but really it's the fox in charge of the henhouse' (RSHQ employee).

'Overall, there is no accountability for RSHQ. There is no one independently gauging transparency or consistency' (industry association).

'We've often said that RSHQ has removed itself from accountability. I would like to see a lot more transparency' (union representative).

'We need someone to hold them to account!' (union representative).

'The RSHQ Board can't assess themselves. Any option that introduces external oversight would be an improvement' (industry representative).

'We have Caesar judging Caesar. There is no external accountability' (RSHQ employee).

Given the overwhelming stakeholder dissatisfaction with the existing regulatory model, the Reviewer asked most interviewees to provide their views on how greater regulator accountability could be achieved. To prompt discussion, the Reviewer outlined a range of possible options in this regard, namely:

- Amending the role of the CRSH to provide for explicit oversight and governance of RSHQ; or
- Introducing a Resources Safety and Health Advisory Council, as recommended by the PMO to 'provide strategic direction, advice and monitoring' of RSHQ' either with the Commissioner chairing the Council as proposed by the PMO, or with another independent Chair;⁸ or
- Introducing a governing board over RSHQ with the CEO of RSHQ reporting to the Board; or
- Transferring RSHQ back into the Department; or
- Transferring RSHQ into the Queensland Office of Industrial Relations.

Interviewees were also encouraged to suggest other alternatives. Those stakeholders whose written submissions commented on the regulatory model also typically put forward alternative structures for consideration by the Review Team.

(It should be noted that the benefits and disadvantages of transferring *one part* of RSHQ to another entity - e.g. transferring the Explosives Inspectorate to OIR, or Occupational Health to Queensland Health - are dealt with later in this Report).

While there was some support for each of the above regulatory model alternatives, or variations of them, more than 85 per cent of all those who commented on future structure endorsed, and often strongly advocated for, the introduction of a governing board over RSHQ. It is important to note that this approach

⁸ Project Management Office, *Queensland Resources Safety and Health, Regulator and Funding Models*, 2018.

was preferred by a majority of stakeholders from industry, industry association, union, and RSHQ employee backgrounds.

Only a handful of stakeholders preferred the PMO-endorsed option of an Advisory Council. Interestingly support for this option was primarily concentrated within the existing RSHQ 'board' of management (as the senior executive group is currently termed). Other stakeholders indicated that they saw a Council as being a 'toothless' entity, with little ability to actually exercise the governance and oversight seen as necessary. The Reviewer notes that the advisory bodies that are in place in other jurisdictions, and sectors (such as the New South Wales Mine Safety Advisory Committee, and the Queensland Work Health and Safety Board) typically provide Ministers with advice on workplace health and safety issues, rather than exercising any direct governance over regulators. However, where advisory bodies exist, they generally do so alongside regulators who sit within broader departments - with the departments, theoretically at least, providing governance and ensuring the accountability of the regulating organisation.

The option of clearly stipulating that the CRSH should have a governance role over RSHQ was generally seen by stakeholders as both impractical and inappropriate. There were doubts as to how a single CRSH could perform this function. Many stakeholders also indicated that the qualities required of a CRSH were not necessarily the same as those required of a person exercising governance over a regulator.

Most of the stakeholders who supported the option of transferring RSHQ back into the Department, . These stakeholders argued that a transfer would provide more efficient access to high quality support services (such as human resources, and legal services) than was currently the case within RSHQ. They also commonly doubted that there had been any compelling reason to remove RSHQ from the Department in the first place. In contrast, other stakeholders, particularly union representatives, were vociferously opposed to this option. Overall, most stakeholders saw a shift back to the Department as 'turning back the clock' without any clear guarantee of improvements in regulator performance.

The small number of stakeholders who favoured the integration of RSHQ into OIR generally supported this option on the basis that it would pose less risk of regulatory capture than a return to the Department could do, and would reduce duplication on common issues affecting all sectors such as responding to sexual harassment and psychosocial hazards. However, most stakeholders expressed concern, sometimes very strongly, that this option would lead to loss of qualified and experienced inspectors (who are generally paid at a higher level than their OIR counterparts). Many union, and RSHQ stakeholders, and some industry stakeholders also felt that moving RSHQ to OIR would inexorably lead to the harmonisation of resources safety and health legislation with more general workplace health and safety legislation, and were opposed to this.

The Governing Board

While the introduction of a governing board to provide oversight of RSHQ was strongly supported by stakeholders, there were some differences of view as to the scope of the board's activities, and the preferred board composition.

Board Role

Stakeholders generally agreed that the governing board should have the ability to appoint, and, as necessary, remove the CEO of RSHQ. They also generally agreed that the CEO of RSHQ should report to the board and should not be a member of the board.

Most stakeholders also envisaged the board chair reporting directly to the Minister - though one union submission suggested instead that the Minister should report to the governing board.

Stakeholders commonly saw the board as being accountable for: providing strategic guidance to RSHQ; setting overarching KPIs and priorities for RSHQ; approving RSHQ structure and budget; monitoring RSHQ performance; and, as necessary, directing RSHQ to address particular issues, or undertake particular

activities. It should be noted that no stakeholder believed that the governing board should be able to direct RHSQ staff in the performance of their regulatory functions under the resources safety and health acts.

Many stakeholders, from various backgrounds, argued that the CSRH should also report to the governing board. Others questioned whether there was any ongoing need for a CSRH if a governing board was put in place. There were similarly mixed views about CSMHAC and MSHAC, with some stakeholders arguing that the Committees should report directly to the governing board, others that the Committees should report to the Commissioner, and others that the establishment of a governing board would obviate the need for the Committees entirely.

Several stakeholders, again from varying backgrounds, suggested that the Board of Examiners should also report to the governing board.

Board Composition

All those stakeholders who favoured the establishment of a governing board envisaged that the board would be led by an independent chair. Some stakeholders had given considerable thought to the desirable qualities of the chair and made suggestions such as:

- *'A strong track record in public safety, regulatory governance, or related strategic leadership roles' (union representatives).*
- *'Good regulatory as well as corporate leadership experience' (RSHQ employee).*
- *'Experience in chairing other entities and understanding of how organisations work' (industry representative).*

While a few stakeholders indicated that the person holding the CRSH role should chair the governing board, this was not preferred by most of those supporting the board option.

Stakeholders were divided as to whether the governing board should be primarily representative in nature (preferred by most union representatives); or chosen solely on the basis of expertise (preferred by most RSHQ, industry and industry association representatives).

Most saw value in the board including individuals with specialist areas of expertise that would enable them to provide informed comment on aspects of RSHQ's activities such as: explosives; risk management, occupational medicine, and managing psychosocial hazards.

Transparency

Stakeholders from all backgrounds indicated that the purpose and scope of the CRSH role, and the extent of the Commissioner's powers needed to be clarified.

A small number also sought a sharper delineation of the relationship between the CRSH and the Committees noting that while the legislation provides that the CRSH chairs the Committees it is not entirely clear whether, for example, the CRSH and the Committees are currently meant to work together to advise the Minister on the performance of RSHQ.

Independence

Stakeholders from all backgrounds, including RSHQ employees, questioned how the CRSH could be fully perceived to be independent when the RSHQ Act requires the CRSH to consult with the RSHQ CEO on the Commissioner's budget.

Some also queried whether the independence of the CRSH could be compromised by the fact that the Commissioner's office is staffed by individuals from RSHQ. (It should be noted here that the RSHQ Act does not actually require the CRSH to source her or his staff from RSHQ. Rather, the Act provides that the CRSH may arrange for services to be supplied by officers or employees of a government agency).

Discussion

Accountability

The Reviewer shares the view that the current Queensland resources safety and health regulatory model should be altered to provide for both greater regulator accountability and clearer delineation of the roles of the various entities that form part of the model. This conclusion is based both on the inherent flaws in the existing model, and on the demonstrated need, as will be outlined subsequently, for enhanced governance of RSHQ.

The Reviewer also believes that the structural option likely to be most beneficial for the safety and health of those working in the resources industry in Queensland would be the establishment of a governing board providing strategic direction, oversight and governance to RSHQ, and reporting to the Minister.

The Reviewer notes that transferring RSHQ to either OIR or the Department would be likely to provide for economies of scale, as well as departmental oversight, and would be consistent with the approach taken to the regulation of resources safety and health in other Australian jurisdictions. However, on balance, the Reviewer believes that the potential benefits of these options are outweighed by the potential risks. For the record, the Reviewer does not share the concern that it would be impossible for resources safety and health regulating, or legislation to retain its specific character within OIR. The existing Electrical Safety Office within OIR is a relevant example of a separate, specialised entity operating within a broader agency. However, the Reviewer does agree that a move to fold RSHQ into OIR would be likely to result in a loss of experienced personnel, and difficulties in recruiting new, suitably qualified, inspectorate staff. Given, as discussed later in this Report, there are already concerns about competency within RSHQ, the Reviewer would not support any option likely to diminish RSHQ's ability to retain and attract key personnel. The Reviewer notes also that a move to OIR would be met with significant union, and some industry opposition. Moreover, a change of this magnitude would be likely to consume significant time and energy on the part of government, and RSHQ - time which would be better spent responding to RSHQ's existing operational issues and challenges.

While folding RSHQ back into the Department would pose less concern in terms of retention of expertise, such a move would likely be resisted by multiple stakeholders on the same grounds as were used to justify separating RSHQ from the Department; namely a concern about the potential for conflict between the Department's fostering and enabling of the resources sector, and regulating its health and safety performance. However, the Reviewer believes that the bigger issue with this option is the likelihood that, in a mega-department, the strong specific focus on improving the performance of RSHQ which is necessary will be more difficult to achieve. There would also be transition, and transactional costs with this option.

The Reviewer does not support the Advisory Council option as recommended by the PMO. The Reviewer believes that the regulatory model lacks sufficient accountability for the regulator. This would not be addressed by the establishment of an advisory body.

The concept of augmenting the role of the Commissioner to exercise governance over RSHQ is not supported principally on the basis that it is very unlikely that any single individual would have the breadth and depth of skills required to guide, challenge, and hold to account the multifaceted entity that is RSHQ.

The Governing Board

As indicated by the diverse comments from stakeholders, there are a number of questions to be resolved before any governing board could be put in place, namely:

- Which entities should report to the board?
- What skills and experience should the board have?
- How should board members be selected?
- Who should chair the board?

The question of whether or not a CRSH or the Committees should report to the governing board is inextricably tied to the question of what roles, if any, those entities should play in a revised resources safety and health regulatory model. If the Commissioner is retained as an independent source of advice to the Minister on safety and health matters in the resources sector, then it would be most logical for the CRSH to continue to report directly to the Minister. If the Commissioner is retained to provide specialist input to the governing board, then it would be most logical for the CRSH to report to the governing board. Similarly, if CSMHAC and MSHAC are retained to provide tripartite advice to the Minister then they should report through the chair of the Committees to the Minister, and so on.

On balance, the Reviewer's preference is for both the CRSH role and the Committees to be retained, with adjustments to their scopes and activities, and for these entities to report to the governing board. This approach would ensure that the governing board had the benefit of independent and tripartite input. This approach would also consolidate reporting to the Minister, reduce the potential for duplication, and increase the coherence of the regulatory model. The reasons for this view are discussed in more detail in subsequent sections. While, as indicated, detailed examination of the BOE is viewed as out of scope for this Review, the Reviewer sees it as logical that the BOE could also report to the governing board.

As far as the desirable composition of a governing board is concerned, the Reviewer believes that all board members should be chosen on the basis of their ability to contribute to the provision of guidance to, and oversight of, RSHQ. This is unlikely to be achieved simply by union and employer organisations providing a panel of names to the Minister. Instead, the Reviewer would favour a merit-based appointment process that, nevertheless, allows for diverse voices to be heard. To achieve this, the governing board composition could be as follows:

- Independent Chair – an individual with previous governing Board experience, (ideally in a chairing role), and with deep understanding of governance and regulation. Understanding of safety and health challenges and issues, particularly in high-risk sectors would be preferred.
- Three individuals with demonstrated expertise in safety and health in the mining, petroleum and gas, and/or explosives sectors. At least two of these individuals should be well placed to understand and advise on the impact of safety and health issues and initiatives on resources sector workers.
- One individual with experience and expertise in investigations and/or enforcement.
- One individual with established expertise in risk management and/or governance.
- One individual with established expertise in occupational health, hygiene and/or psychosocial hazards.
- One individual with established expertise in organisational effectiveness and improvement, including in relation to internal communications; and/or in effective regulation.

All appointees should be expected to contribute substantial time to the governing board – with monthly or bi-monthly board meetings, as well as out of session discussions likely to be necessary. While ultimately a matter for government, the Reviewer suggests that in order to attract suitable candidates, it would be desirable to provide stipends, rather than meeting fees, for governing board members.

The Reviewer recognises that there are multiple ways to approach the composition of a governing board. The above suggestions should be seen in that context. If a governing board is subsequently endorsed, then further discussions to resolve the exact process and criteria for board member selection are likely to be required.

Transparency

The Reviewer agrees that the roles of the CRSH and the Committees need to be more clearly defined. While the performance of these entities, potential practice improvements, and potential changes in scope are dealt with in subsequent sections of this Report, it is appropriate to state at this point that should a governing

board be established the reference to the CRSH 'monitoring, reviewing and reporting to the Minister on the performance of RSHQ's functions' should be removed from the RSHQ Act to avoid confusion and duplication. Similarly, the references to CSMHAC and MSHAC 'providing information to the Minister about the performance of RSHQ' should be removed from the CSMHA and MQSHA respectively.

Independence

The Reviewer agrees that the requirement for the CRSH to prepare her or his budget in consultation with the CEO of RSHQ could be perceived to impact on the independence of the CRSH. Regardless of what approach is taken to the overarching resources safety and health regulatory model, this requirement should be removed. If a governing board is established, and the CRSH reports to this board, then it would be logical for the governing board to review, and to endorse or otherwise the CRSH budget.

Effectiveness – The Role of the CRSH

Over the past five years Queensland has had one substantive CRSH, Kate du Preez, who held the position from its creation until November 2023 and was previously the Commissioner for Mine Safety and Health; and two acting CRSH, Andrew Clough, who was in the role for six months, and Ken Singer, who was appointed in April 2025. Notably, for an extended period of time between the departure of CRSH Clough, and the appointment of CRSH Singer, there was no Commissioner in place at all. There were no formal handovers between any of the position holders. This had consequences, as discussions with Commissioners Clough Singer make clear. For example, Acting CRSH Clough began his tenure with limited awareness of the work done by his predecessor, Commissioner du Preez, on 'monitoring, reviewing and reporting to the Minister on the performance of RSHQ's functions'.

Discussions, submissions, and other documentation examined by the Review Team suggest that one of the most challenging aspects of the CRSH role has been defining the relationship with RSHQ. As the substantive CRSH, and by far the longest holder of the position, Commissioner du Preez was able to devote considerable attention to exploring how best to fulfill this component of the Commissioner's role. She developed, and shared with RSHQ, an outline of what she intended to assess, and how. Commissioner du Preez also commissioned independent work on the Role of the Commissioner and initiated an external *Review of the Effectiveness of RSHQ as a Regulator*. She provided regular reports to the Minister on the performance of RSHQ against '11 characteristics of an effective regulator' as developed by consulting firm Noetic.⁹ Nevertheless, throughout Commissioner Du Preez's tenure there remained uncertainty, and sometimes considerable tension between the CRSH, and RSHQ as to what extent, and in what way, the Commissioner should assess the regulator. The Reviewer is of the view that this tension and uncertainty is at least partially attributable to the lack of clarity over this aspect of the CRSH role. There is no evidence that changes in CRSH appointees have substantively altered the situation.

Lack of clarity over the relationship between RSHQ and the CRSH has also allowed for ongoing disputes over what information RSHQ should reasonably be expected to provide to the Commissioner. The Review Team has been provided with various documents showing clear divergence between CRSH and RSHQ expectations in this regard.

Notably, all three of the CRSH appear to have defined the role differently, with varying priorities, and approaches to provision of advice to the Minister, and engagement with stakeholders.

Acting

Commissioner Singer appears to be placing a stronger focus on multiple stakeholder engagements and visits than his predecessors. This is not to say that any of the choices made by the CRSH have been inappropriate, but, rather, to reinforce the variability in practice that has both been highlighted by

⁹ Noetic, *Review of the Effectiveness of RSHQ as a Regulator*, Kingston, 2023.

stakeholders, and identified by the Reviewer. (It is worth noting here that some of the variability has also been driven by the priorities of the government of the day).

Relevantly, the Reviewer has not been able to locate any documents that specify exactly what outcomes are expected of the CRSH role. The absence of clarity on this has meant that CRSH have been largely free to choose where to focus their efforts - noting, of course that all have been required to, and have, chaired CMSHAC and MSHAC meetings. The opinion of one stakeholder that the Commissioners 'could do nothing and no one would hold them to account' may be extreme, but it is nevertheless true that the current situation makes it difficult to objectively judge the performance, and effectiveness of the CRSH role.

Stakeholder Views

The Reviewer asked stakeholders for their views on the role of the Commissioner, and on what outcomes had been achieved. Many of those who provided written comments also discussed the CRSH.

Many stakeholders remain confused about the purpose of the position. The following is a representative sample of the points made:

'I think they're largely there to chair CMSHAC and MSHAC?' (industry representative).

'I think what it is depends on the person' (industry representative).

'I'm not clear on the role of the Commissioner. Is it resourced? It's all a bit murky' (RSHQ employee).

'I think it's a figurehead position' (RSHQ employee).

There's a 'lack of clarity surrounding the respective roles of RSHQ and the Commissioner....who holds ultimate accountability for regulatory performance and reform?' (industry representatives).

'I don't understand the role. Is it a stakeholder management role?' (RSHQ employee).

'The role is just a figurehead. I think?' (industry representative).

'I don't know 100% of what they do. Ken Singer is attending forums and visiting mines but is that what he's supposed to do?' (industry representative)

'There's a need for the Commissioner's role to be more clearly defined' (industry association).

'Is the Commissioner meant to act as a conduit for the Minister?' (RSHQ employee).

Views on the effectiveness of the CRSH role were very mixed. It was difficult for many stakeholders to determine whether or not a particular activity or output was the product of efforts by the CRSHs, or the Committees, or the Ministers, or all of those parties combined. While many stakeholders struggled to identify any outcomes having been achieved by the CRSHs, others defended the value of the work done, particularly by Ms du Preez. Stakeholders from various backgrounds also noted the energy and enthusiasm Mr Singer has brought to the role since his appointment in April 2025. Again, the following is a representative sample of the points made:

'The effectiveness of this role...is inherently tied to the approach and intent of the individual appointed' (union representatives).

'Our members are unclear about the distinct value-add of the Commissioner role' (industry association).

'The Commissioners overall have not been as good as they could have been. There's been no watchdog in place' (RSHQ employee).

'Some good things have been started but not finished' (industry representative).

'There was a lot of activity under Kate like the reporting survey and work done by MSHAC' (industry representative).

'The Commissioners have achieved zero outcomes' (industry representative).

'I have not seen the Commissioners achieve anything. There's been some engagement' (industry representative).

'I can't think of anything much being achieved. There's been information sharing. The survey didn't actually lead to outcomes' (union representative).

Some stakeholders, from a variety of backgrounds, highlighted what they saw as disrespect shown by certain RSHQ senior staff towards the CRSH role and individual Commissioners. The Reviewer was given specific examples of this alleged behaviour which have not been included in the Report given the allegations have not been tested with RSHQ representatives. Regardless of the accuracy of the comments made, the sense that the CRSHs and RSHQ have been at odds with each other since the establishment of RSHQ is widely held.

Stakeholders from the explosives and downstream gas sectors typically felt that the CRSHs had previously shown little interest in their issues, although Acting CRSH Singer was praised for reaching out to these groups since his appointment.

Despite the absence of any uniform view that the CRSH role has proven effective, many stakeholders from union, industry, and industry association backgrounds argued that a clearly defined, accountable, Commissioner's role should be retained in any revised resources safety and health regulatory model. The following is a representative sample of the feedback received:

'The commissioner's independent oversight, expert advice, and leadership are essential pillars in safeguarding the integrity, effectiveness and public confidence of resource safety and health regulation in Queensland' (industry association).

'The role should serve as an independent source of expert advice...[and] have the authority and autonomy to provide frank, evidence-based recommendations to the proposed RSHQ governing board and Minister' (union representatives).

We 'support the continued role of an independent Commissioner, provide the position is underpinned by clearly defined functions and appropriate powers' (industry representatives).

'The Commissioner provides the only independent advice' and that needs to be retained (industry representative).

Discussion

The Reviewer has no doubt that all of the appointees to the CRSH role have approached the position with enthusiasm, and commitment. In varying ways, all of the CRSH have engaged with stakeholders and endeavoured to highlight and progress particular issues they have deemed (often in conjunction with CSMHAC and MSHAC members) as important to improving safety and health in the resources sector. Nevertheless, the Reviewer shares the view of many stakeholders to the effect that the CRSH role has proven to be less effective than it could be. In summary this is due to:

- Insufficient overall role clarity particularly in relation to the purpose and KPIs of the position.
- Poor delineation of the CRSH's role and powers in relation to RSHQ.
- Insufficient Ministerial engagement over time with the CRSH position holders (as it stands, only Ministers have the authority to address conflicts over the scope of the role, to set expectations, and to monitor CRSH performance).
- Long periods during which the CRSH role remained vacant.
- Lack of continuity in approach between the various holders of the CRSH position.

As indicated, the Reviewer is of the view that should a governing board be established it would no longer be necessary or appropriate for the CRSH to exercise any form of oversight of RSHQ.

In that circumstance, the Reviewer suggests that the role of the CRSH could be as follows:

- To chair the tripartite CSMHAC and MSHAC. The Reviewer notes that some industry stakeholders have suggested that the Committees be chaired by a separate, independent, individual. The Reviewer is not persuaded that this would be necessary or helpful. Managed well, Committee discussions and activities should inform the CRSH's ability to provide useful input to the governing board.
- To provide an independent source of advice to the governing board on emerging safety and health risks and issues in the resources sector, and on opportunities for improvement.
- To consider innovations and lessons learnt in other jurisdictions and sectors and to provide advice on these to the governing board.

The Reviewer envisages the CRSH as an expert advisor, rather than as an entity charged with significant stakeholder engagement, or operational functions. The role should be less about the number of site visits the CRSH undertakes, and more about the informed input the Commissioner can provide to the governing board, and through it, to the Minister.

As indicated, the Reviewer envisages the CRSH having a budget which is submitted directly to the governing board. CRSH staff can continue to be drawn from a government agency. The governing board should have the ability to identify issues for the CRSH to examine, and should set KPIs for the CRSH role that delineate how the Commissioner can add value to the overarching resources safety and health regulatory model.

If a decision was taken to continue to require the CRSH to report directly to the Minister, then the Reviewer would suggest formalising the Minister's expectations for the CRSH role in more detail.

Effectiveness – CSMHAC and MSHAC

The Review Team has examined a range of documents produced by CSMHAC and MSHAC over the past five years. As indicated, the Reviewer has also spoken with almost all members of the Committees as well as some past members, and with the three holders of the CRSH position. In addition, the Reviewer asked stakeholders in general to comment on the activities and value of the Committees. In that regard, it is important to remember that the Committees did not meet for an extended period due to the lack of an appointed acting, or substantive CRSH. The appointment of Acting Commissioner Singer has prompted a CRSH-led strategic review of the performance, and activities of the Committees.

The Committees were originally designed to bring a tripartite lens to mining health and safety issues, with the aim of providing considered advice to the Minister on these. As indicated, with the advent of the current regulatory model the Committees' previously legislated function of periodically reviewing the effectiveness of legislation, regulations, and, in the case of CSMHAC, recognised standards was removed; and an explicit function of 'providing information to the Minister about the performance of RSHQ' was introduced.

The process for selecting CSMHAC and MSHAC members is set out in the CSMHA and the MQSHA respectively. In both instances, the Minister is to be provided with panels of names of potential appointees by 'organisations representing operators' and 'industrial organisations representing workers'. The Acts specify that the relevant Chief Inspectors are members of the Committees, and that the Minister 'must appoint 2 other inspectors'. No panel of names for the inspectorate appointments is required. For all appointments the Minister is required to consider the breadth of experience, practical knowledge, and knowledge of the legislation of the candidates.

The Reviewer sought information from stakeholders on:

- How efficiently and effectively the Committees worked?
- What outcomes the Committees had achieved?
- Whether the existing approach to Committee membership was appropriate?
- How the Committees could be improved?
- Whether the Committees should be retained in any revised resources safety and health regulatory model?

Although there are a number of similarities between the two Committees, there are also notable differences. Accordingly, stakeholder feedback on each Committee is provided separately.

Stakeholder Feedback - CMSHAC

Effectiveness

Given the Committee's small membership, the Reviewer has chosen not to include direct quotes from current and former Committee members. The following is a summary of the points made by those individuals:

- Union representatives were the most positive about CMSHAC performance though some noted that the Committee had been more effective prior to the regulatory changes. Gaining broad agreement to lowering the Diesel Particulate Matter (DPM) limit was cited by stakeholders from varying backgrounds as a CMSHAC success.
- There was a lack of clarity about CMSHAC's purpose with some indicating that the Committee had a 'to do' list rather than a clear sense of desirable outcomes.
- A majority of current and former members felt that CMSHAC had failed to fulfill its potential due to: an excess focus on information items rather than matters for discussion and decision; lack of clarity as to CMSHAC's role in relation to RSHQ; and lack of agreement between CMSHAC and RSHQ on whether it remained appropriate for CMSHAC to review legislation, regulations and recognised standards. (It should be noted here that a previous Minister did actually direct CMSHAC to look at particular regulatory changes to 'get around' this dispute). Some stakeholders felt that RSHQ generally had shown disrespect for CMSHAC's role.
- Members, and former members, from industry and union backgrounds typically expressed concern that while RSHQ routinely provided data to the Committee this was often not in a very useful form. There was a perceived lack of information on risks, trends, and strategic priorities. Some acknowledged that CMSHAC itself could have done more to specify the type of data it was seeking.
- Members and former members lamented what they saw as a lack of direct engagement with Ministers given the Committee's advisory role.
- No current or former member believed that CMSHAC had been actively assessing the performance of RSHQ, and several doubted that this was appropriate in any case given the Committee's tripartite membership.
- Current and former members generally agreed that the Committee had failed to communicate sufficiently with the broader industry.
- There was general agreement that the performance of CMSHAC had not been independently reviewed since the advent of the current regulatory model, and that regular assessments of the degree to which CMSHAC was adding value were desirable.

The Reviewer notes that all of these matters have been discussed by CMSHAC members at the recent CRSH-led Strategy Sessions, with plans being developed to deal with these issues.

Other stakeholders were unclear about CSMHAC's role and effectiveness. The following is a representative sample of the points made:

'What does it do? It's not transparent' (RSHQ employee).

'I don't see any outcomes from it. It would be good to see what they were doing. Can they make their minutes public?' (industry representative).

'I haven't seen them achieve anything much' (RSHQ employee).

'You don't get a lot of information from them. The advice they put forward [on competencies] isn't practical' (industry representative).

'I've always found it confusing to understand the line between what CSMHAC and MSHAC and the BOE are supposed to do. They should be in constant communication. There's not enough information sharing' (RSHQ employee).

'Currently, CSMHAC meeting records are not made publicly available which limits external visibility into CSMHAC's deliberations and decisions. Greater openness would help build trust and demonstrate the committee's commitment to accountability and continuous improvement' (industry representatives).

'I'm frustrated by the lack of feedback from CSMHAC' (union representative).

Multiple industry stakeholders also questioned whether CSMHAC should have the function of establishing competencies. Stakeholders with experience in NSW noted that in that jurisdiction the Mining and Petroleum Competence Board (MPCB) oversees the development of competence standards and the assessment of individuals who have a role at a mine that may affect health and safety; while the Mine Safety Advisory Council (MSAC) provides advice on strategic safety and health issues. These stakeholders generally preferred the NSW approach.

Membership

The CSMHA provides that CSMHAC be comprised of:

- Three individuals taken from a panel provided by 'organisations representing coal mine operators' (in practice from the Queensland Resources Council (QRC)).
- Three individuals taken from a panel from industrial organisations representing coal mine workers' (in practice two representatives from the Mining and Energy Union (MEU) and one from the Electrical Trades Union (ETU))
- The Chief Inspector of Coal Mines, and two other inspectors.
- The CRSH as Chair.

Many stakeholders, from all backgrounds, felt that this composition could be improved to more closely reflect risks and challenges in the Queensland coal industry. However, the particular suggestions made in this regard varied considerably.

Union representatives proposed that there should be specific formal requirements for an underground coal sector representative, and a contractor representative taken from the organisations representing coal mine operators. They also suggested that 'all members be required to have practical coal mining experience of at least ten years and hold a statutory ticket that required RII competency'.

Industry representatives made a range of suggestions including:

'Inclusion of a wider range of technical specialists and workforce representatives'.

'Drawing industry representatives from beyond QRC membership to give broader industry representation'.

'Ensuring there is adequate risk knowledge'.

'If they are going to talk about competencies with explosives then have someone with explosives expertise!'

A minority of industry representatives also argued that it was inappropriate for RSHQ members of CSMHAC to have any 'voting rights' on the Committee. This view was based on a concern that union and RSHQ members had a history of combining to endorse proposals that were not practical for the industry to implement.

Industry, union and RSHQ stakeholders also generally felt that it was inappropriate for RSHQ CSMHAC members to adjudicate in any way on RSHQ performance.

Future Options

Most stakeholders, from all backgrounds, argued strongly that CSMHAC should be retained in a future resources safety and health regulatory model. Stakeholders saw the tripartite Committee as, potentially, providing a powerful and unique forum for airing of issues, and collaboration.

Many industry and union stakeholders also proposed that CSMHAC should, once again, be formally required to review, and provide advice on the effectiveness of the CSMHA, regulations and recognised standards.

Stakeholders from all backgrounds felt that it was essential that the scope of CSMHAC's work, its interrelationships with RSHQ and the BOE, the reasons for its decisions, and the goals it was trying to achieve should all be publicised with the aim of improving connection and engagement with the broader industry.

Stakeholder Feedback - MSHAC

Effectiveness

Once again, given the Committee's small membership, the Reviewer has chosen not to include direct quotes from current and former Committee members. The following is a summary of the points made by those individuals:

- RSHQ and industry members expressed concern that MSHAC meetings were too frequently devoted to discussing particular issues at particular operations rather than more general industry trends and issues.
- A number of members were of the view that Committee meetings were attended by too many substitute members and observers.
- Union representatives were most positive about MSHAC's achievements, with work on competencies, mine worker health surveillance examinations, and guidance notes being highlighted as examples of successful and effective collaboration.
- Some current and former members felt that MSHAC had failed to fulfill its potential due to: an excess focus on information items rather than matters for discussion and decision; lack of clarity as to MSHAC's role in relation to RSHQ; and lack of agreement between MSHAC and RSHQ on whether it remained appropriate for MSHAC to review legislation, regulations and recognised standards. Some stakeholders felt that RSHQ generally had shown disrespect for MSHAC's role.
- Members, and former members, from industry and union backgrounds typically expressed concern that while RSHQ routinely provided data to the Committee this was often not in a very useful form. There was a perceived lack of information on risks, trends, and strategic priorities. Some acknowledged that MSHAC itself could have done more to specify the type of data it was seeking.
- Members and former members lamented what they saw as a lack of direct engagement with Ministers given the Committee's advisory role.

- No current or former member believed that MSHAC had been actively assessing the performance of RSHQ, and several doubted that this was appropriate in any case given the Committee's tripartite membership.
- Current and former members generally agreed that the Committee had failed to communicate sufficiently with the broader industry.
- There was general agreement that the performance of MSHAC had not been independently reviewed since the advent of the current regulatory model, and that regular assessment of the degree to which MSHAC was adding value was desirable.

Once again, the Reviewer notes that all of these matters have been discussed by MSHAC members at the recent CRSH-led Strategy Sessions, with plans being developed to deal with these issues.

The Review Team received very little feedback from other stakeholders on MSHAC's performance. The general view from those RSHQ and industry representatives who did comment was that MSHAC was an opaque entity, with little focus on external engagement, and apparently minimal influence.

Membership

The MQSHA provides that MSHAC be comprised of:

- One individual representing quarry operators and taken from a panel provided by 'organisations representing operators', and two others from the same panel.
- Three individuals taken from a panel from industrial organisations representing coal mine workers' (in practice two representatives from the Australian Workers Union (AWU) and one from the Australian Manufacturing Workers Union (AMWU))
- The Chief Inspector of Mineral Mines and Quarries (MMQ), and two other inspectors.
- The CRSH as Chair.

Several industry association, industry and RSHQ representatives questioned whether this composition was adequately representative of the range of types of operation in the MMQ sector. There were concerns that the interests of explorers and small mining operators were not being given due consideration by MSHAC. Some quarrying industry representatives also proposed the establishment of a separate quarrying industry consultative committee to ensure that quarrying issues and circumstances were fully taken into account.

Future Options

Once again, notwithstanding the concerns expressed about MSHAC's current operations, most stakeholders from all backgrounds argued that MSHAC should be retained in any revised resources safety and health regulatory model.

There was also general agreement that, in future, MSHAC should be more transparent about its scope, activities, and achievements.

Discussion

The Reviewer endorses the view that CSMHAC and MSHAC should be retained. While the particular structure, scope and membership of CSMHAC and MSHAC is peculiar to the Queensland resources safety and health regulatory model, most other jurisdictions and sectors make use of high-level tripartite health and safety advisory groups. It is generally recognised that worker representatives, and regulated operators, can add value by advising on key issues and risks, and by commenting on policy and regulatory approaches.

However, the Reviewer does see value in making some changes to the scope of the Committees' role. As previously indicated, with the advent of a governing board there is no need for the Committees to provide the Minister with information on RSHQ. The Reviewer also supports the suggestion that the CSMHA and

MQSHA should be amended to once again explicitly provide that the Committees have the function of reviewing and providing advice on legislation, regulations, recognised standards and guidelines. The Reviewer notes that some RSHQ stakeholders have expressed concern that reinstating this provision could significantly slow down, or stymie regulatory innovation. That concern can be addressed by the Committees setting timeframes for consideration of legislative changes etc. It is also important to note here that 'review' is not a euphemism for 'adjudicate' - the Committees are advisors, not gatekeepers, and in any case the existing legislation already makes clear that the Committees can make recommendations without requiring unanimous agreement. The Reviewer believes it is entirely appropriate to 'test' planned regulatory approaches with representatives of the communities most impacted by regulatory change. The tripartite bodies can provide considered advice developed after discussion and debate (in addition to the feedback on proposed regulatory changes provided by individual stakeholders).

The Review Team has not had sufficient opportunity to adequately explore the question of whether there is a better alternative to CSMHAC and MSHAC having the function of 'recognising, establishing and publishing competencies'; the relationships between the Committees and the BOE; or the scope and effectiveness of the work of the BOE. It is suggested that this whole area could be a priority for review by the governing board.

As far as CSMHAC and MSHAC membership is concerned, the Reviewer notes that tripartite bodies in other jurisdictions and sectors (such as the NSW MSAC, MPCB, and the West Australian Mining and Petroleum Advisory Committee (MAPAC)), also include independent members with particular health and safety expertise. However, in the event that a governing board is established as proposed, the Reviewer does not believe it would be necessary take a similar approach to membership of CSMHAC and MSHAC. Independent advice and challenge would be provided by members of the governing board.

While the Reviewer understands the desire expressed by some stakeholders to further stipulate in legislation particular groups within the regulated community who should be represented on the Committees (e.g. contractors, those with underground expertise, small operators and so on), the Reviewer believes the better approach is for peak bodies to be asked to consider the mix of skills and experience required on the Committees when putting forward their panel of names. To do otherwise would be to risk overly specific legislative requirements that may not be relevant over time. The Reviewer also believes that s71 (6) of the MQSHA, and s80 (5) of the CSMHA already adequately prescribe the core attributes that should be expected of all Committee members. The Reviewer notes that several stakeholders have questioned whether or not the requirements of these sections have been adhered to in the past, particularly when appointing inspectors to the Committees. The Reviewer suggests that, in future, the governing board should have the function of assessing, and advising the Minister on, whether or not all nominees for either Committee meet the legislative requirements.

The Reviewer shares the concerns raised by both general stakeholders and Committee members in relation to a lack of transparency about Committee deliberations and inadequate Committee engagement with the broader industry. The Reviewer supports publication of CSMHAC and MSHAC minutes (as has happened previously, and occurs with other tripartite advisory bodies), and current plans to increase information sharing generally.

The Reviewer also shares the view of current and former Committee members that interactions between Ministers and the Committees have been inadequate. While noting that information about Committee deliberations has been shared with Ministers, (in varying ways, and at varying levels of detail) by the CRSHs, there has been little 'face time' as one Committee member put it. Direct interaction would have given Ministers a clearer understanding of the issues and challenges the Committees were grappling with, and would have given the Committees more opportunity to understand Ministerial priorities and concerns. If the Committees continue to advise the Minister, then arrangements should be put in place for the Committees and the Minister to hold substantive discussions at least annually. If the Committees report to the governing board, then a similar requirement should be put in place.

As far as the delivery of information from RSHQ to the Committees is concerned, the Reviewer agrees that the Committees themselves need to be more explicit about what type of information they require. The onus is then on RSHQ to respond appropriately to Committee requests. The governing board should be able to deal with any divergences of opinion between RSHQ and the Committees about the level and type of information to be provided.

The Reviewer also strongly supports regular independent assessments of the effectiveness of the Committees. In addition to considering Committee *activities*, such assessments would be most useful if they focussed on the *outcomes* achieved.

Effectiveness – RSHQ

The Review Team considered the effectiveness of RSHQ against the criteria outlined earlier in this Report, paying particular attention to the specific aspects of RSHQ operations, such as investigations, highlighted in the Review TOR.

It is important to appreciate that RSHQ remains a multifaceted organisation. Strengths and weaknesses, issues and opportunities, applying to one part of RSHQ do not necessarily reflect the reality for another RSHQ group or division. Accordingly, and as necessary, the Report distinguishes between those matters that are relevant to RSHQ as a whole; and those that are specific to one or more of its component parts.

Internal Structure and Collaboration

Structure – The Components of RSHQ

RSHQ is comprised of RSHQ Corporate, the Enterprise Program Management Office (EPMO), Occupational Health, the Serious Incidents Investigation Unit (SIIU), the Safety in Mines Testing and Research Station (SIMTARS), the Coal Mines Inspectorate, the Mineral Mines and Quarries Inspectorate, the Explosives Inspectorate and the Petroleum and Gas Inspectorate. A little less than a third of all RSHQ staff work within the Inspectorates. By far the largest operational ‘division’ within RSHQ is SIMTARS.

Currently RSHQ is overseen by a ‘board’ of management (hereinafter called the d, to distinguish it from the proposed governing board). The BOM is comprised of the CEO, and the heads of the various divisions. The Director of the SIIU is not a member of the BOM. The Chief Inspector of Mineral Mines and Quarries is also the present Chief Inspector Explosives with the result that the two Inspectorates are represented by a single individual at the BOM.

As previously indicated, RSHQ stakeholders commonly expressed concerns about the extent to which the BOM was able to act strategically, and in the interests of the whole of the organisation, rather than as representatives of their own particular divisions.

Structure – The Location of the Explosives, and Petroleum and Gas Inspectorates

The Explosives and Petroleum and Gas (P&G) Inspectorates have significant accountabilities outside of the resources sector. The Explosives Inspectorate is expected to regulate the handling of everything from special effects and fireworks to blasting explosives. The P&G Inspectorate has responsibility for regulating safety and health in the entire petroleum and gas supply chain. For both Inspectorates the regulated community is diverse. Both Inspectorates also deal with serious risks with the potential to impact the general Queensland population.

In that context, the Reviewer sought feedback from stakeholders on whether all or part of the Explosives and P&G Inspectorates should remain within RSHQ.

The Location of the Explosives Inspectorate – Stakeholder Views

Several stakeholders argued strongly that the Explosives Inspectorate should be shifted to OIR, ideally as a separate office similar to the Electrical Safety Office. This argument was based on the view that the explosives legislation is not primarily resources, or even industry, focussed. Instead, these stakeholders emphasised, the purpose of the Explosives Act is the ‘protection of public health and safety, property and the environment’. The ‘resources focus’ of RSHQ senior leadership was seen as being at odds with the community protection focus required under the Act.

Other stakeholders argued equally passionately that the Inspectorate should remain within RSHQ on the grounds that the handling of explosives necessary to the resources sector posed significant risks that were best overseen by a suitably competent resources safety and health regulator.

Notably, for virtually all those who commented on the Explosives Inspectorate the most significant and pressing issue relating to the Inspectorate was not structural; rather it was a
and the impact of this on the Inspectorate’s ability to operate effectively. These matters are discussed in the subsequent ‘Explosives Inspectorate’ section.

The Location of the Explosives Inspectorate – Discussion

The Reviewer notes that throughout Australia explosives legislation and its administration primarily sits within general workplace health and safety agencies. It is also true that the public facing focus of much of the Inspectorate’s functions seems more aligned with the work of OIR, than with the remainder of RSHQ.

On balance, however, the Reviewer favours leaving the Explosives Inspectorate within RSHQ at this time. There are more urgent actions that need to be taken which should significantly enhance the effectiveness of the Inspectorate, and, correspondingly, explosives safety.

The Location of the P&G Inspectorate – Stakeholder Views

Several stakeholders, from a variety of industry backgrounds, also proposed that the ‘downstream’ or ‘non-operating plant’ activities of the P&G Inspectorate should be shifted to OIR, again on the basis that these activities are principally related to community safety.

However, more commonly, both industry and RSHQ stakeholders suggested that while the P&G Inspectorate as a whole should be retained within RSHQ, the Inspectorate should be split into ‘upstream’ and ‘downstream’ groups given the very different skills required to regulate the sectors.

Once again, however, for almost all of those who commented on the P&G Inspectorate the most significant and pressing issue was not structural, but was, rather, the internal culture within the Inspectorate. These concerns are discussed in the section on ‘Leadership and Culture’.

The Location of the P&G Inspectorate – Discussion

The Reviewer notes that currently many P&G staff with ‘downstream’ experience and qualifications nevertheless undertake ‘upstream’ inspectorate activities and sometimes vice versa. Any transfer of those P&G staff with ‘downstream’ backgrounds to OIR would necessitate work to ensure that ‘upstream’ activities carried out by RSHQ remained adequately staffed. In that circumstance, it is possible that additional ‘upstream’ qualified personnel would need to be recruited to RSHQ.

It is worth noting that, there is no ‘uniform’ approach to the structuring and location of P&G health and safety regulators in other jurisdictions.

In the context of the potential complexity involved in splitting the P&G Inspectorate, and transferring accountability for regulating ‘downstream’ health and safety to OIR; as well as the reality that other P&G issues are more pressing, the Reviewer favours leaving the whole of the P&G Inspectorate within RSHQ.

Structure – Other Divisions

SIMTARS

The Review Team did not have the opportunity to examine the operations of SIMTARS in any detail. The Reviewer notes that most interviewees were not asked any specific questions in relation to SIMTARS, (the obvious exceptions were RSHQ personnel who worked within SIMTARS). Nevertheless, the Review Team was provided with some strong, divergent, views on the usefulness and future direction of SIMTARS. The following comments provide a sense of the points made:

‘SIMTARS delivers vital services’ and is ‘playing a critical role in improving mining health and safety outcomes’ (union representatives).

‘There is a need for a clearer understanding of what SIMTARS does, and how this is paid for (industry representative).

We ‘should urgently redefine the role of SIMTARS requiring it to develop training and assessment resources and to act as a Registered Training Organisation for qualified trainers and assessors in Queensland’ (industry representative).

‘SIMTARS has always had a confusing relationship with the agency. While SIMTARS does provide good outcomes, is its structure appropriate?’ (RSHQ employee).

‘Do we need SIMTARS? Other states don’t have one’ (industry representative).

Occupational Health

The Occupational Health Division carries out a variety of activities including: regulating the quality of mandatory medical examinations, administering free lung checks for retired workers, registering medical providers, administering medical records and health surveillance and reporting. Many of the Division’s activities are mandated in legislation, but, over time, the Division has also expanded its scope to consider a range of health issues including psychosocial hazards. During the Review, some RSHQ stakeholders questioned the size and focus of the Division and expressed a belief that there were ‘no boundaries’ around the growth of Division functions.

Given the medical focus of much of the Occupational Health Division’s activities, the Reviewer examined whether there would be any advantage in transferring all or part of the Division’s work to Queensland Health.

RSHQ Corporate

In 2022 the RSHQ BOM commissioned a *Futures Directional Strategy* study by the consulting firm Egis which, amongst other things, considered the optimal future internal structure for RSHQ. At the time Egis expressed the view that ‘an organisation the size of RSHQ does not have the capacity to be fully serviced by an in-house corporate area’.¹⁰ That RSHQ has sought to keep all corporate functions in-house can be seen by the reality that more than 50 of RSHQ’s employees currently work within RSHQ Corporate.

The Review Team received considerable feedback from RSHQ employees on the performance of RSHQ Corporate (including from those who worked within this part of the organisation). In essence, most individuals felt that the division was failing to provide the quality support needed by RSHQ personnel. In particular, there were , and that

Many RSHQ representatives indicated that support services had been more tailored, and efficient, when the organisation was ‘within the Department’.

¹⁰ Egis, *Futures Directional Strategy*, 2022.

Discussion

The issues raised in relation to SIMTARS, Occupational Health and RSHQ Corporate all merit further consideration by the RSHQ BOM and the proposed governing board.

SIMTARS, is, as one stakeholder indicated, unique. It is also a very substantial component of RSHQ, which, arguably, is not engaged in the core business of RSHQ. (The Reviewer recognises that there is an alternative argument that SIMTARS is critical to assisting the broader RSHQ to achieve its purpose, through research, testing and training).

While this Review has not focussed on SIMTARS, there would be value in a future governing board considering:

- The most appropriate role, if any, for SIMTARS in the revised resources safety and health regulatory model.
- How SIMTARS should be funded.
- Whether the existing governance of SIMTARS is adequate.
- Whether there are efficiencies and enhancements that can be made by closer alignment of SIMTARS with other research and/or testing bodies.

After discussions with both Queensland Health and RSHQ representatives, the Reviewer is persuaded that a transfer of all or part of the RSHQ Occupational Health Division to Queensland Health would not be in the best interests of resources sector workers. Queensland Health's primary focus is public health, not occupational health. It seems doubtful that Queensland Health would be best placed to prioritise, and respond to, the particular needs of current and former workers; or to liaise with resources sector operators.

However, the Reviewer is concerned at the seemingly 'open ended' nature of the Occupational Health Division's scope. The BOM, and a future governing board should give further consideration to what type of non-mandatory health related activities RSHQ should engage in, and why.

The Review Team did not have the opportunity to conduct any detailed evaluation of RSHQ Corporate. The Reviewer notes that it is not at all uncommon for there to be tension, and miscommunication between corporate and in-field personnel. Nevertheless, the question of whether there is a better way to structure and source corporate support for those who actively deliver on RSHQ's safety and health goals is a relevant one for further consideration by the RSHQ BOM, and for oversight by a future governing board.

Alternative Models

The Egis Report recommended several alternative structural models for RSHQ. These alternative structures have not been actioned by RSHQ, but, as the CEO has recently advised RSHQ staff, internal structural reform remains on the table.

Many RSHQ stakeholders are familiar with Egis option 1C which has the following core features:

- The creation of a Regulatory Operations Division - incorporating a new Operations Services group (comprised of licensing, quality assurance, the Health Surveillance Unit, the Central Assessment and performance Unit Incident Response (CAPU-IR) and Data Analytics, and a new technical services unit bringing together occupational hygiene, electrical, mechanical, and geotechnical engineering 'services'); as well as Occupational Health, and all of the Inspectorates.
- The refocussing of the Corporate Services Division - which currently has an unusually broad remit including management of the Explosives Reservices.

- The establishment of a Strategy, Policy and Risk Division – with the aim of bringing a ‘stronger focus on enterprise risk, strategy, policy and communications to support long-term planning’.¹¹

Under Option 1C there would be a single direct report to the CEO from the Regulatory Operations Division. The heads of the EPMO; Corporate Services; Strategy, Risk and Policy; and SIMTARS would also report to the CEO. There would be no separate Occupational Health Division.

Egis argued that the new Regulatory Operations Division would ‘become a “centre of excellence” for regulatory operations’.¹²

The Reviewer sought RSHQ stakeholder views on future structural options for RSHQ, and in particular on Egis Option 1C.

Stakeholder Views

Roughly half of the RSHQ personnel who engaged with the Review commented on the future structure of the organisation. While some members of the BOM supported the proposal for a ‘super’ Regulatory Operations Division most comments were either lukewarm about, or opposed to, the idea. The following is a representative sample of the comments received:

‘Why would you build in another layer? It would be better to give the Chiefs cross-divisional projects’.

‘What’s the problem it’s trying to solve? How effective it is would depend on the individual in the role. It could work if we had someone from a high hazard industry or an experienced regulator’.

‘It would mean that only one person would be representing the regulatory functions. It has the potential to diminish the core activities’ of RSHQ.

‘A complete overhaul of how the organisation works is required, not a plan to reduce the number of direct reports to the CEO’.

Discussion

RSHQ’s structure should reflect its preeminent role, i.e. the regulation of safety and health in the resources sector. The Inspectorates and the Occupational Health Division are the parts of RSHQ most closely engaged with the key risks that legislation is seeking to address, the communities that the organisation is seeking to regulate, and the workforce RSHQ is seeking to protect. With that in mind, it seems counter-intuitive to place an additional layer over the Chiefs of the Inspectorates (and part of Occupational Health). Concerns about inadequate collaboration (discussed further below), can be addressed in other ways.

The Reviewer recognises, however, that the internal structure of RSHQ is primarily a matter for the RSHQ CEO and those who oversight the organisation. Any recommendations for change to RSHQ’s structure should, in future, be considered by the governing board.

Collaboration and Silos

The 2022 Egis Report indicated that at ‘RSHQ is not yet a unified organisation with the divisions mostly operating largely independent of each other’.¹³ The Review Team were provided with documents indicating that the RSHQ BOM recognised, and were endeavouring to improve, the siloing within the organisation, and to foster collaboration on common issues. In interviews, BOM members typically indicated that some progress had been made, and that the BOM itself was now working more cohesively.

However, RSHQ interviewees, at all levels, nevertheless continued to see the organisation as essentially being an occasionally uneasy coalition of distinct parts rather than an organisation with a shared approach to key matters like regulatory strategy, or measurement of effectiveness. Most interviewees also indicated that

¹¹ Egis, *Futures Directional Strategy*, 2022.

¹² *Ibid.*

¹³ *Ibid.*

RSHQ divisions had yet to work out when to collaborate and why. There are some joint projects, and some disciplinary groups do meet to discuss common concerns, but the general view of RSHQ stakeholders is that there is still a long way to go to achieve the frequently referenced 'one RSHQ'. The following is a representative sample of comments received:

'There's good intent, not great rubber on the road on 'one RSHQ'...Certain divisions still do their own sideline pieces of work'.

'There have been some modest changes including via the EPMO and the CAPU...but there is a need for better collaboration across the Inspectorates. It hasn't moved fast'.

'There are silos. Between the Inspectorates and the new teams [Occupational Health for e.g.]'.

'The differences in the four inspectorates [in terms of approaches] is massive'.

'In parts it's better, but a more wholistic view of what problems we want to solve as an agency would be good'.

'RSHQ is still operating in silos. Everyone protects their patch. There is a divide between the bureaucrats and the inspectors and it is getting worse'.

'Honestly, it feels like there's 5 departments. It hasn't changed. There were some really good aspects in the Egis Report which weren't actioned'.

'Each division is still running its own race. RSHQ's regulatory approach needs to be driven at board level and it isn't'.

'There is no sharing of information so that activities can be streamlined and implemented across the organisation. There is no consistent induction or onboarding of staff'.

'It's a very siloed business. It feels like we are a long way from being one RSHQ. At least in the regions the different groups do talk to each other. That doesn't happen in Brisbane'.

Discussion

The Review Team's examination of documents provided by RSHQ reinforces that there are many aspects of the organisation's operations that would benefit from greater coherence and collaboration including:

- Regulatory strategy.
- Determining regulatory priorities, and activities, based on risk.
- Communication and engagement with the regulated communities.
- Performance Measurement.
- Managing the risk of regulatory capture.

These matters are discussed in more detail in subsequent sections of the Report.

The Reviewer notes the comment of one to the effect that improving internal cohesion, and collaboration has been slower than desirable due to the existing workload of the BOM.

Under the current model, building clear, shared approaches to what it means to be a regulator, and how best to operationalise this, is the work of the senior leaders of RSHQ. While senior leaders recognise this, given the clear message provided by Egis in 2022, it is surprising that so much of this work remains to be done by the BOM of RSHQ. Organisations that are highly reliable prioritise these activities.

The Reviewer believes that the establishment of a governing board will assist RSHQ to define and deploy shared approaches that will enhance the overall effectiveness of the organisation.

Culture and Leadership

The Review Team was provided with a variety of documents that indicated the RSHQ BOM recognises the need for, and has endeavoured to work on, cultural improvement within the organisation. The BOM has, for example, made a number of efforts to increase internal communication, and to disseminate 'RSHQ values'. BOM members typically acknowledged that further cultural change was required, and that, in the words of one member 'there are still pockets of disconnection'.

However, input provided to the Review Team by RSHQ employees suggests that there are fundamental cultural challenges within the organisation. More than 80 per cent of all RSHQ employees who engaged with the Review raised significant concerns about the culture of RSHQ. It is important to appreciate that this held true *regardless* of whether RSHQ stakeholders were invited participants, or self-nominated. That is, while it might be anticipated that RSHQ employees who reached out to the Review Team were more likely to do so to express concern, than to provide praise; the same issues were raised consistently regardless of how the RSHQ stakeholder had come to be involved in the Review process.

RSHQ stakeholders commented on culture and leadership across the organisation as a whole; as well as on particular areas within RSHQ that were perceived to have specific issues, namely the P&G Inspectorate, the Mineral Mines and Quarries (MMQ) Inspectorate, and the Serious Incidents Investigation Unit (SIIU). This is not to suggest that these are the only areas of RSHQ where there are significant levels of concern and distress. Given the Review interview sample skewed strongly towards the Inspectorates, there is simply not enough information coming from, for example, SIMTARS, to justify comments on the leadership and culture of that part of RSHQ.

In sharing RSHQ stakeholder feedback on these matters the Reviewer is not seeking to take any sides in the various disputes within the organisation. Rather, the intention is to highlight concerns that, if not addressed, will continue to impact the effectiveness of the organisation. Given the scope and focus of this Review, and the importance of according natural justice to individuals, the Reviewer has also chosen not include distressing accounts of particular alleged ill treatment in this Report.

Stakeholder feedback is grouped under 'general', 'P&G Inspectorate' and 'MMQ Inspectorate' sections. Concerns regarding the culture within the SIIU are dealt with in the separate section on Investigations and Enforcement.

General – Stakeholder Views

RSHQ stakeholders exhibited significant frustration with what they saw as a failure of the BOM to engage with, and act on, cultural issues in the organisation. Concerns were expressed about a perceived unwillingness to listen, a sense that employee concerns were dismissed,

RSHQ stakeholders typically referenced how much they loved their work, but how little they loved the organisation they worked within.

The following is a representative sample of the feedback provided:

'There has been a significant and sustained decline in staff morale - particularly among frontline employees. I attribute much of it to poor leadership and a workplace culture that discourages genuine engagement. Although RSHQ regularly conducts "Working for Queensland" surveys, there has been little to no observable change in the response to the feedback received'.

'It's been my experience that the management provides no duty of care for the administration staff as there is no regular check in or follow up and often staff are left isolated without support'.

'The entire organisation has an issue with leadership. The board is not a board. They're heads of department. There's groupthink. There's no independence. There's not enough strategic direction. They do superficial things like Town Hall meetings but they don't actually listen'.

'The CEO needs to come and have a look at how we are really running' instead of believing what he's been told.

'There's a lot of stress across RSHQ. We used to be concerned about the risk to workers. Now all they talk about is the risk to corporate'.

'The attitudes on sexism and racism are not acceptable. RSHQ is quite horrendous for what is tolerated. The admin team are called 'girls'.

'In RSHQ in the past 18 months there has been a decline in the culture. It's become quite dysfunctional. There isn't proper communication between groups. There is a really big divide between corporate and the regulator'.

'We're doing a lot of things well but there needs to be more focus on the hands-on people. The support people are not supportive. No one asks us what our issues are in the regions. They don't listen. They defend'.

'You'd think if you were an organisation espousing HRO you'd also look at yourself. But we ignore issues when they are raised'.

The P&G Inspectorate – Stakeholder Views

The Review Team received feedback on the culture of the P&G Inspectorate from eleven RSHQ stakeholders. Nine of these described the Inspectorate as dysfunctional. Stakeholders offered various, and often multiple, reasons for this. Given the relatively small sample size the Reviewer has chosen not include direct quotes in this section. The following is a summary of the key points made.

- There are poor relationships between many Inspectorate staff and the current Chief Inspector. Dependant on the RSHQ stakeholder commenting, this has either been caused by Inspectorate staff being unwilling to make changes initiated by the Chief Inspector, by staff feeling that their efforts to enforce safety and health requirements in the industry have not been supported by the previous, or current Chief Inspector, and/or by 'big', inflexible personalities on all sides.
- There is a disconnect between the 'engineers' and the 'gasfitters' which results in unnecessary fighting at the senior inspector level.
- The Chief Inspector is too busy to focus adequate attention on the cultural and internal organisational effectiveness of the P&G Inspectorate. Most stakeholders saw an urgent need for a Deputy Chief Inspector to be appointed to relieve the Chief Inspector of her more administrative duties.
- There is bullying at multiple levels within the Inspectorate.
-

The MMQ Inspectorate – Stakeholder Views

The Review Team received feedback on leadership and culture within the MMQ Inspectorate from 14 RSHQ stakeholders. Ten of these stakeholders raised concerns about autocratic management, disrespectful behaviours, favouritism, and, more concerningly, bullying and harassment, including . The examples given dated from the early days of RSHQ to the present day, though it should be noted that there were no allegations of current sexual harassment. Once again, given the

relatively small sample size, the Reviewer has chosen not include direct quotes in this section. The following is a summary of the points made:

- shut down diverse opinions and are not open to constructive challenge. It is clear who are the 'favourites' and who are not.
- routinely show disrespect to District Workers Representatives, and more junior
- Casual sexism is common within the Inspectorate with dismissive remarks about women being made routinely. (It should be noted here, however, that the Reviewer spoke with one female staff member who indicated she had never experienced sexism and in fact felt very supported by her senior leaders).
- There have been multiple examples of alleged bullying of female staff since the establishment of RSHQ that have been poorly handled. These incidents have generally not been reported due to , or concern about ' likely handling of the matters.

For clarity, while the Reviewer was provided with alleged examples in support of all of the above points, the Reviewer is in no position to form a conclusion on the truth or otherwise of the allegations made. For the purposes of this Review, the key issue here is the extent to which RSHQ stakeholders believed that the description above represented the culture within the MMQ Inspectorate.

Discussion

The Reviewer believes that the feedback provided by RSHQ stakeholders should be of significant concern to the CEO and the BOM of RSHQ. It is noteworthy that BOM views of the organisation's culture are significantly more positive than those of the other RSHQ stakeholders who have engaged with the Review.

For RSHQ to be an effective regulator, and an effective organisation, senior leaders need to more urgently prioritise understanding and resolving internal cultural issues.

The Reviewer noted a tendency by some senior leaders to dismiss employee concerns as being wholly related to employee difficulty adjusting to new approaches, and systems. The Reviewer has no doubt that adjustment issues are a challenge for RSHQ. However, listening to concerns raised by staff, and thoroughly evaluating those concerns on their merits, remains the accountability of the BOM.

The RSHQ CEO and BOM should reflect on the feedback provided to the Review on culture and leadership and develop responses to the issues raised. The evident dysfunction within the P&G Inspectorate needs to be addressed, with appropriate resources and support being provided to do so. In the event that a governing board is established, the board should oversight and encourage RSHQ senior leaders' efforts to improve internal cohesion, and employee engagement within RSHQ.

The Explosives Inspectorate

As indicated, the Explosives Inspectorate is responsible for regulating 'the handling of, and access to' a wide variety of 'explosives'. The Inspectorate deals with particular, specialist, risks with the potential to cause severe harm to members of the public, as well as workers in the resources sector.

For the past 3 years the Chief Inspector of MMQ has also served as the Chief Inspector of Explosives. For the previous 2 decades the Explosives Inspectorate had its own dedicated Chief Inspector. The current Chief Inspector is supported by a Deputy Chief Inspector. In practice the Deputy Chief Inspector manages the day to day running of the Inspectorate. Notably, neither the Chief Inspector, nor the Deputy Chief Inspector have any significant explosives experience.

There are also 4 Explosives Reserves which are operated as commercial entities. The Reserves are overseen by RSHQ's Corporate Services division evidently on the basis that this will ensure a separation between explosives regulatory, and commercial, activities. The 2022 Egis Report recommended that management of the Explosives Reserves be transferred to SIMTARs. This recommendation has not yet been actioned.

Stakeholder Feedback

The Reviewer received very considerable feedback from explosives sector stakeholders, and some RSHQ stakeholders, on the current leadership arrangements for the Explosives Inspectorate. In general, stakeholders were strongly of the view that the lack of a dedicated Chief Inspector, and the lack of explosives industry expertise at the most senior levels of the Inspectorate, were having significant, in-practice consequences for explosives regulation. It is important to stress that stakeholders were not criticising the commitment of, or effort made by, the Deputy Chief Inspector. The comments made were not 'personal' in nature but went to the perceived inappropriateness of having individuals without significant technical expertise in charge of a highly technical Inspectorate. The following is a representative sample of the feedback received:

'The leadership group of the Explosives Inspectorate does not have the technical and legislative skills, nor experience, to satisfactorily administer Queensland's explosives legislation' (industry representatives).

'The explosives industry is paying for a competent explosives inspectorate, the Queensland public deserve and expect a competent explosives inspectorate for their safety - they both have a right to be cynical given current arrangements' (industry representative).

'We used to have a dedicated Chief. doesn't have explosives expertise. It's not optimal. If the Chief has explosives expertise you can go to them for advice' (RSHQ employee).

'We have a part-time Chief Inspector, and we've been raising this consistently. The leadership are not consistent with the legislation. They don't know the legislation. And no one appears to be exercising oversight of how the inspectorate is working in practice' (industry representatives).

'Nobody above me has any explosives expertise. They understand risk to their jobs but not the risk to industry' (RSHQ employee).

'It is absolutely not appropriate for to be joint Chief Inspector of MMQ/Explosives! I am amazed that the CEO can't see this' (RSHQ employee).

'They have insufficient expertise to understand and process requests for administrative determinations and written queries related to the interpretation of specific regulations. Comprehensive industry submissions are often dismissed summarily without a detailed explanation. The Chief and Deputy Chief are not comfortable with any aspect of explosives that's off a minesite' (industry representatives).

'The industry looks at the Chief and Deputy Chief now who have no explosives industry expertise, and they don't perceive us as a professional organisation. As inspectors we need technical guidance. We need to be able to go to someone at the very top with expertise' (RSHQ employee).

The Reviewer was also provided with multiple specific examples where industry representatives argued that a failure to understand explosives, and explosives related risk had led to overly conservative, unnecessary, inconsistent and costly requirements being imposed on explosives industry stakeholders. Given the need to preserve stakeholder confidentiality, the Reviewer has not had the opportunity to 'test' these specific assertions with the Chief, or Deputy Chief of Explosives. Industry stakeholders also commonly unfavourably compared the approaches taken by RSHQ with regulators in other jurisdictions. Other regulators were typically seen to be more knowledgeable, more responsive, more transparent, more risk-based and more reasonable than RSHQ. There was also a general view that the Queensland Explosives Inspectorate was unwilling to learn from either industry or other jurisdictions.

Several stakeholders also queried the basis on which the current Chief, and Deputy Chief of Explosives had been appointed given the requirement in s78 of the *Explosives Act 1999* that the CEO must be satisfied that any person appointed as an inspector 'has the necessary expertise or experience to be an inspector'. [It is worth noting here that there is no objective test for the 'necessary expertise or experience'].

The Reviewer was advised that the RSHQ CEO is aware of the concerns raised by the explosives industry, and that the CEO is considering the future leadership structure of the Explosives Inspectorate.

Limited feedback provided to the Reviewer regarding the current oversight of the Explosives Reserves suggests that the existing arrangement is working well in practice, principally due to the approach taken by the RSHQ Corporate officer involved. The handful of RSHQ staff who commented on the future location of the Explosives Reserves were unconvinced that a transfer to SIMTARS was the most appropriate option given the limited overlap between the activities of SIMTARS and the Reserves.

Discussion

The Reviewer is completely persuaded that there is a need to inject more technical explosives expertise into the senior levels of the Explosives Inspectorate. This is necessary not only, or even primarily, to ensure that the regulation of explosives duty holders is proportionate, timely, risk-based, and effective; but also to provide Explosives Inspectorate staff with adequate guidance and support, and to ensure that the Inspectorate is able to discharge its responsibilities to protect workers and the broader Queensland community.

The Reviewer strongly suggests that:

- A dedicated, suitably qualified and experienced, Chief Inspector be appointed to the Explosives Inspectorate as a matter of urgency.
- The incoming Chief Inspector be tasked with reviewing the adequacy and appropriateness of current regulatory approaches within the Inspectorate.

Investigations and Enforcement

Investigations and enforcement are two aspects of any regulator's work with potentially profound consequences for the regulated community, and for worker health and safety. Accordingly, stakeholders are entitled to expect that regulator approaches to investigations and enforcement will be transparent, efficient, consistent and timely. Stakeholders are also entitled to expect that regulators will balance a desire to ensure that breaches are appropriately punished, with a focus on acting to prevent reoccurrence of serious events.

Since 2020 there have been two significant structural changes impacting investigations into resources safety and health incidents, and enforcement in Queensland, i.e.:

- The establishment of the SIIU in RSHQ (2022).
- Carriage of RSHQ prosecutions for serious offences being transferred to the Office of the Workplace Health and Safety Prosecutor (2020).

The Review Team has examined a considerable range of information on incident investigation, enforcement and prosecutions in Queensland. Most internal RSHQ, and external stakeholders also commented on investigations and enforcement, including many members of the SIIU itself. The Review Team also compared current Queensland approaches with those used in other jurisdictions.

Investigation Purposes and Processes

Referral

The Terms of Reference (TOR) for the SIIU published in 2022 set out the types of incidents that

should be referred to the Unit:

- Workplace death
- Any serious injury
- Any serious incident involving a potential contravention of statutory obligations
- Certain occupational diseases where an obligation holder has potentially contributed to the workers' exposure to the cause of the disease
- Alleged conduct of medical provider that is grossly negligent or deliberate
- Alleged reprisal action
- Alleged serious cases of sexual harassment or sexual assault.

As the 2025 SIIU Procedures Manual indicates the SIIU Director alone can decide to accept or reject a referral of a matter from elsewhere in RSHQ, based on twenty 'factors' interestingly including whether or not 'there is political sensitivity related to the incident'.

Referral – Stakeholder Feedback

Multiple RSHQ stakeholders remain confused about what matters the SIIU will take charge of under what circumstances. Many were unclear about why particular incidents that seemed to fall within the purview of the SIIU had not been taken on by the Unit. The following comments are representative of the feedback received:

'I don't see any clear line in the sand about when they'll handle things. We've handed them things and then they give them back. There's not enough clarity about when the SIIU is involved'.

'Frankly it's very frustrating never knowing when the Unit would get involved'.

'We get very scant detail on how or why the SIIU are making those decisions'.

'What is the basis for a decision to go to the Unit, and to be accepted? The whole process seems messy to me'.

'Our decision-making processes need to be mapped and shared within the agency'.

'Sometimes we lose opportunities waiting for them' to decide on whether they'll take a matter on.

Many industry and industry association representatives also expressed uncertainty about 'how SIIU investigations are triggered'.

Investigation Purpose – Stakeholder Feedback

While the Director of the SIIU and some BOM members felt that SIIU-led investigations are directed towards understanding both the nature and cause of an incident, (with this input being provided by inspectors), and whether any breaches of obligations have occurred, the majority view of other RSHQ stakeholders, including those working within the SIIU, was that the purpose of Unit-led investigations is to identify breaches for prosecution. The following is a representative sample of feedback received from RSHQ personnel:

'They're a bunch of coppers and they're looking for criminality'.

'It is absolutely true that we are focussed on identifying non-compliance. We have shifted away from a focus on preventing harm. We are very prosecution focussed. From the beginning there was an appetite to get as many briefs to the prosecutor as possible'.

'My perception is that we are hell bent on prosecutions. Because we're thinking about prosecutions, we don't interview some of the key people to get a more comprehensive view. We don't interview people we might prosecute'.

‘Our focus is absolutely on enforcement and prosecution and that is very different from the past focus on nature and cause. Previously we’d decide on the best course of action from the suite of options in the compliance policy. Now the compliance policy is rarely looked at and nature and cause has been virtually overlooked’.

‘The belief that the SIIU’s primary focus is compliance, enforcement and prosecution...has real-world consequences. Since the SIIU’s formation we have observed companies becoming more defensive and litigious’

‘If something’s referred to us it’s automatically about prosecutions’.

The vast majority of all external stakeholders were also of the view that SIIU-led investigations were focussed on identifying breaches that could be prosecuted. Several contrasted the RSHQ approach unfavourably with the NSW Resources Regulator. The following is a representative indication of the feedback received:

‘They are focussed on enforcement, not understanding or information. NSW does investigations and enforcement very well. After 3 months you have a decision on whether you’re following a prosecution pathway. In Qld everyone is on tenterhooks’ (industry representative).

‘Don’t start by thinking about a prosecution. You get the answer you’re looking for. Nature and cause should be the primary focus. Then if you find someone hasn’t done the right thing you go down that path’ (union representatives).

‘There is more of a police focus and less of a focus on contributory factors. They’re clearly just focussed on enforcement’ (industry representative).

‘The investigation never seems to start with ‘where’s the failure in the system’? (industry representative).

‘There is a prevailing view that the SIIU’s investigation approach...places significant emphasis on establishing grounds for prosecution rather than prioritising a thorough understanding of an incident’s root causes and learnings that could help prevent similar events in the future. This prosecutorial focus can create a defensive environment. Prosecution should not be viewed as the default or sole objective of every investigation’ (industry representatives).

The impact of a prosecution-focussed approach to investigations on information sharing is discussed in a subsequent section.

Investigation Processes – RSHQ Stakeholder Feedback

The advent of the SIIU resulted in a significant shift in accountabilities and processes for investigation of serious matters referred to, and accepted by, the Unit. Whereas previously investigations into serious incidents were led by inspectors with assistance from investigators, under the Unit model, SIIU investigators are meant to lead the investigations with support from inspectors. Some BOM members have described inspectors struggling with ‘a sense of loss’ over this change. Feedback from other RSHQ stakeholders, including inspectors and SIIU personnel, suggests that a far more significant issue has been a lack of clarity about exactly how inspectors and investigators are meant to work together under the new model.

It should be noted that RSHQ stakeholders from all backgrounds, including inspectors, highlighted the fact that the Director and staff within the SIIU had a wealth of specialist investigatory skills and experience. Inspectors and other RSHQ staff also typically indicated that they had good relationships with individual SIIU team members. The Reviewer had no sense that RSHQ stakeholders overall were opposed to the SIIU in principle or were seeking to undermine the new model.

RSHQ stakeholders have indicated that with the exception of the SIIU TOR, the Unit commenced operations in 2022 with only limited written procedures in place. The Reviewer has been advised that the *SIIU Procedures Manual*, and the *Investigation Report Template* released in January 2025 have addressed some

gaps in documentation of procedures, while others remain. As at September 2005, for example, there is still no documented First Response Procedure.

Additionally, many RSHQ stakeholders, from varying backgrounds, have described limited, or confused, communication about conduct of investigations under the new model. The following is a representative sample of the feedback received:

'We have incidents where no one was sure who should release a scene. There is a lot of confusion over this. We also have investigators and inspectors asking for information from the site without communicating with each other'.

'The inspectors clearly don't understand their role and what's required of them under the new system. I have to explain it to each new inspector. We've asked the Director to put a document together for the inspectors but this hasn't materialised'.

'We've struggled with what the Unit is actually going to deliver. There are still differing views about what kind of report we can expect from them'.

'It's not clear what the inspector's role is now. It's not easy to understand the investigation pathway. We had one situation where 60 days after the event they had to isolate the scene because the SIIU was coming. It was confusing for everyone. I don't know what's going on'.

'There's so much frustration particularly at the lack of procedures or guidance. I think the old approach where the inspectors led the investigation and did a nature and cause report, and gave feedback to industry actually worked better'.

'We used to all follow an investigation manual. Now they don't have clear procedures, and we get mixed messages. We're still using the old investigation manual because we have nothing else. We're not really sure how the system is supposed to work'.

'The transition occurred without input from the inspectors. We now have siloed operations between the SIIU and the Inspectorates'.

'The TOR say we're supposed to get a Nature and Cause Report from the inspectors, but the Chief Inspector told inspectors they weren't responsible for Nature and Cause Reports anymore. He didn't tell us he'd said that until months later'.

Multiple RSHQ stakeholders, from diverse backgrounds, also indicated that it was becoming increasingly difficult to access inspectorate time for investigations. The following is a representative sample of the feedback received:

'The investigators now have to seek out inspector comment. I feel the amount of time to get an investigation out now has doubled'.

'We've had instances where an inspector was removed from an investigation, and no one was re-assigned' for an extended period. 'Major investigations can lack Inspectorate support causing delays getting matters to the prosecutor for consideration'.

'Some inspectors seem disengaged, and in my view have at times made themselves intentionally unavailable resulting in delays'.

'RSHQ is taking the piss. They're not taking fatalities seriously. I have 5 - 10% of a lead inspector's time. I cannot access the resources I need'.

'When you're not sure what your role is you're not going to prioritise it'.

Investigation Processes – External Stakeholder Feedback

Several external stakeholders also indicated that processes for investigating serious offences seemed confused. These stakeholders described what appeared to be 'frictional relationships' between the SIIU and

the inspectorate staff onsite and confusion over 'who can hold a scene, who's in control and who we can take advice from'.

Investigators as Inspectors

The Reviewer has been advised that SIIU investigators have been designated as inspectors with limited powers (for example with the powers set out in s128 (h), (i) and (j) of the CMSHA).

Several RSHQ and external stakeholders queried whether or not this practice was appropriate, or even legal (the Reviewer notes here that there is no substance to the suggestion of illegality in relation to these appointments).

Investigation Timeframes

The SIIU Procedures Manual issued in January 2025 indicates that a Provisional Investigation Report is to be submitted to the relevant Chief Inspector within three months of a referred matter being accepted for investigation. The Manual also states that investigations are to be completed within six months, with investigation reports being submitted to the relevant Chief Inspector within two months of completion.

RSHQ documents indicate that prior to the establishment of the SIIU investigations could take very extended periods of time. One presentation, for example, states that for matters which 'transitioned to the SIIU on 31 October 2022...the average length of these investigations was 297 days'.

Discussions with BOM members and the Director of the SIIU, as well as documents such as the RSHQ 2023-2024 Annual Report, depict steadily decreasing investigation times after the advent of the Unit.

However, the narrative that the SIIU model has led to more timely investigations is contested internally by RSHQ stakeholders from various backgrounds. The Reviewer has been provided with timeframes for six recent and current investigations to illustrate what is seen by these stakeholders as excessively long investigation durations. Three of these investigations have taken more than 12 months.

The Reviewer notes the difficulties inherent in forming general conclusions on investigation timeliness (as distinct from views on the timeliness of particular investigations). Each incident is different, with varying levels of complexity. On the information provided, dependant on which investigations are compared, it is entirely possible to conclude that investigation timeframes have reduced, have stayed static, or have actually increased.

SIIU Culture and Leadership

During the course of the Review many RSHQ stakeholders expressed significant concern over the culture within the SIIU. Generally, the Unit was seen as an 'unhappy' place to work. It should be emphasised that this view of the Unit was held by RSHQ stakeholders from a wide range of backgrounds. The following is a summary of the points made:

- The [redacted] are seen as being at odds with each other on multiple matters, particularly on the need for more documentation of procedures.
- Inspectors and others typically referenced what they saw as poor leadership of the SIIU.
- There are examples of publicly disrespectful behaviours within the Unit.
- There is frustration that [redacted] has not taken the time to understand what is frequently described as the 'internal dysfunction' of the SIIU.

Enforcement

RSHQ's *Compliance and Enforcement Policy* sets out the values that underpin the policy including that compliance and enforcement approaches will be risk-based, transparent and consistent. The Policy indicates

that compliance action will be proportionate to the events and provides for a range of compliance tools including enforceable undertakings.

The Review Team have been provided with a number of examples where RSHQ personnel have explicitly used the Policy as intended to determine the most appropriate enforcement response. The assertion made by some RSHQ and external stakeholders that the *Compliance and Enforcement Policy* is routinely ignored in practice is not supported by the evidence.

The more common view, of both internal and external stakeholders, is that RSHQ is tending to prioritise enforcement options at the 'higher' end of the scale even when a less severe response would be appropriate, and at the expense of sharing information that could assist in the prevention of future incidents. Several industry stakeholders noted that that RSHQ seemed reluctant to enter into meaningful discussions on enforceable undertakings (and, indeed, no enforceable undertakings have been agreed thus far). Both internal and external stakeholders indicated that RSHQ could do more to delineate and communicate the circumstances under which particular enforcement options would be selected.

Several stakeholders also contrasted the perceived 'opaque' nature of RSHQ's approaches to enforcement with the NSW Resources Regulator's compliance and enforcement approach. Stakeholders noted that the NSW Regulator publishes its six-monthly 'compliance priorities' in advance, with an explanation of why particular areas will be targeted.

Prosecutions

Under the current model, serious matters for possible prosecution are referred by the SIIU to the Office of the Workplace Health and Safety Prosecutor (OWHSP). RSHQ matters are generally handled by a dedicated Assistant Prosecutor. The Director of the SIIU and other Unit staff meet regularly with the Assistant Prosecutor to discuss forthcoming and current matters, and the status of matters already referred to the OWHSP. Both sides describe these interactions as helping to ensure that any issues in the referral process are ironed out quickly.

Information provided to the Reviewer by the Assistant Prosecutor indicates that the quality and usefulness of the briefs referred to the OWHSP has substantially improved since the advent of the SIIU.

The OWHSP has 'set a [general] KPI for briefs of evidence to be assessed within 120 days of referral in 100 percent of cases'.¹⁴ However, due to the complexity of many RSHQ matters, particularly those from the Coal and MMQ Inspectorates, the OWSHP aims to decide on whether or not to prosecute RSHQ matters within 6 months. It is common for the OWHSP to seek advice from an external barrister before deciding on prosecution of an RSHQ matter. The OWHSP has indicated that since the Office took carriage of RSHQ prosecutions the actual average time from referral to a decision has been around 7 months, with coal briefs taking on average around 8 months.

Once a decision to prosecute has been taken timeframes are significantly impacted by the extent to which a prosecution is contested.

Of the 39 prosecutions commenced by OWHSP, 11 have been successful (in that the defendant was either found guilty, or pleaded guilty and has been sentenced), while 12 have been unsuccessful (in that the defendant was either found not guilty, or the prosecution was discontinued). It should be noted that the majority of these prosecutions predate the SIIU, and these statistics should not be seen in any way as a commentary on the quality of the material provided to the OWHSP by the SIIU. The Director of the SIIU has advised that as far as 'investigations commenced on or after 31 October 2022 are concerned', 'six briefs of evidence have been submitted to the OWSHP', with one successful prosecution, 'three matters ... before the courts, and two matters ... being considered for potential prosecution'.

¹⁴ Office of the Work Health and Safety Prosecutor, *Annual Report 2023 - 2024*, Queensland Government, 2024.

The Review Team received commentary from several internal RSHQ and external stakeholders to the effect that the prosecution processes were too slow. A small number of external stakeholders blamed 'delays' on the SIIU. The Reviewer notes that some of those commenting did not appear to fully understand the role of SIIU or the guidelines that must be followed by the OWHSP. The SIIU itself does not contribute to the length of time taken by the OWHSP to decide on prosecution, other than by the quality of the briefs provided to the OWHSP. Given that briefs are described as having significantly improved, the SIIU cannot fairly be seen as causing prosecution delays as such. (Investigation timeframes are, as noted, a matter for the SIIU). The OWHSP makes its decisions in the context of the guidelines provided by the Director of Public Prosecutions. The Office must be satisfied that a matter meets these requirements before proceeding to prosecution.

The Terms of Reference for this Review also required consideration of the role of the regulator in 'undertaking prosecutions...for non-serious offences'. There have been no such prosecutions since the establishment of RSHQ and, accordingly, there is no past practice or performance to comment on.

Discussion

Investigations

The Reviewer believes that the current RSHQ approach to investigation of serious incidents requires an urgent rethink.

The evidence suggests that:

- With the advent of the SIIU, RSHQ has become unduly prosecution focussed.
- There is a clear need for greater formal, and in practice, clarity about how the SIIU and the inspectorates are meant to work together.
- There is a clear need for greater internal, and external, transparency about what matters will be investigated by the SIIU, and, more generally, how the choice of particular enforcement options is made.
- The CEO needs to investigate, and address, the reasons for current dysfunction in the SIIU.

Duty holders and resources sector workers should be able to see what will be done, in what circumstances, and by when; and be able to rely on RSHQ to conduct investigations in a coherent, and timely fashion.

The Reviewer does not believe that there is any need to disband the SIIU, or to revert to the previous model for investigations. Doing so would be at odds with recommendations from the PMO, and recent safety reports, and, more fundamentally, would remove the opportunity for RSHQ, the regulated community, and resources sector workers to have the benefit of a concentrated pool of investigatory expertise. The changes required on investigations are not structural, they relate to investigation philosophy, process, and implementation.

The Reviewer shares the view put by several external stakeholders that RSHQ can learn from the approach taken by the NSW Resources Regulator to investigation of major safety incidents.

In NSW:

- There appears to be a clearer focus on determining the nature and cause of serious incidents in the first instance. Decisions are then made as to whether or not a prosecution pathway is appropriate.
- The processes that will be followed by the Major Safety Investigations Unit seem well disseminated and understood by stakeholders.
- An operational review panel oversights triaging to determine the level of investigations required and monitors incident investigation progress.
- Enforceable Undertakings are used and publicised.

- In certain circumstances, and on the approval of senior executives, a Causal Investigation is conducted. Causal investigations are ‘conducted to enable the quick and full understanding of the causes of safety incidents, and publication of corresponding lessons to reduce...recurrence’.¹⁵ The NSW Causal Investigation Policy makes clear that Causal Investigations are ‘not to obtain evidence for a prosecution’, though the Regulator still reserves ‘the right to commence a compliance investigation ...if it is later established that the safety incident involved reckless conduct, or the Regulator was given false or misleading information’.¹⁶
- There appear to be clearer protocols for interaction between the investigators of the Major Safety Investigations Unit and inspectors.

The Reviewer strongly suggests that the RSHQ CEO be required to develop a plan to address the issues raised in relation to investigations as a matter of urgency. This plan should be discussed with internal and external stakeholders, and should take account of good practice in other jurisdictions including NSW. A governing board, if endorsed, could oversee implementation of the plan to improve RSHQ’s approach to investigation of serious incidents.

With regard to the NSW approach of identifying and publicising compliance priorities in advance, the Reviewer notes that at various times, RSHQ’s inspectorates and the Occupational Health Division have initiated targeted compliance campaigns. The Occupational Health Division’s ‘Early Detection of Occupational Lung Disease Through Ensuring Quality Spirometry’ Project is one such campaign which had the clear, well publicised, aim of improving spirometry in Queensland through a combination of education, guidance, auditing, and enforcement actions. However, what is evident is that RSHQ does not take the same regular, and comprehensive, approach to defining and publicising compliance priorities, and to sharing the outcomes of targeted compliance activities as its NSW counterpart does. The NSW approach has the advantage of placing the regulated community on notice that certain safety and health risks are high priority and must be addressed. Contrary to the view expressed by one RSHQ stakeholder that ‘telegraphing what we’re interested in will lead to cover ups’ both industry and union stakeholders with experience in NSW have indicated that the NSW Resources Regulator’s approach has helped to drive safety improvement in key risk areas.

The Reviewer suggests RSHQ give positive consideration to how best to define, and publicise, six-monthly compliance priorities for all of the ‘operating divisions’ within the organisation.

Prosecutions

The Reviewer does not see any advantage in changing the current model for prosecution of serious RSHQ matters. While it is correct to say that decisions on whether or not to prosecute are not always made within OWHSP’s nominated timeframes, and that those timeframes themselves can seem excessive to some stakeholders, it is extremely unlikely that shifting accountability for decisions on prosecution back to RSHQ (or anywhere else) would result in a more efficient or effective process. The Reviewer concurs with the views expressed in multiple past reports that decision making on prosecution is best done by those with appropriate expertise and experience.

One aspect that could be improved is the transparency provided to stakeholders about RSHQ’s intentions in relation to completed investigations. The Reviewer believes that it would be appropriate for RSHQ to advise affected parties (duty holders, worker representatives, family members), when it provides a brief for consideration by the OWSHP.

Information Sharing and Engagement

As indicated, a core component of a regulator’s role is sharing information with and engaging with the regulated community and affected workers. Ideally, this information sharing is not merely to advise duty

¹⁵ NSW Resources Regulator, *Causal Investigation Policy*, Sydney, 2024.

¹⁶ *Ibid.*

holders what they must do to be compliant (though that is, of course, important) but goes further to provide regulated parties with material they can use to prevent incidents from occurring, and to improve their practices. Effective regulators also create opportunities to listen to regulated communities, and, importantly, to workers; and to learn from innovations in industry. Excellent regulators work with duty holders, worker representatives and others to improve outcomes.

In many of its documents RSHQ recognises the importance of stakeholder engagement and communication. RSHQ's current Strategic Plan, for example, prioritises the development of a RSHQ Stakeholder Engagement and Communication Strategy. RSHQ's recently developed Regulator Effectiveness Framework identifies stakeholder engagement as one of the 7 key capabilities the organisation should focus on.

Stakeholder Feedback – Information Sharing

Nevertheless, more than 80 per cent of all external stakeholders who participated in the Review, regardless of background, expressed deep frustration at what they saw as inadequate sharing of information by RSHQ. This was particularly true of those stakeholders who interacted with the mining inspectorates. Concerns regarding a lack of information sharing on lessons learnt from investigations, inadequate detail in Safety Alerts and Bulletins and a more general 'drying up' of information from RSHQ were common. External stakeholders from all backgrounds frequently compared RSHQ's sharing of information unfavourably with the approaches taken by the NSW Resources Regulator. Having said this, stakeholders from the P&G and quarrying sectors tended to be more comfortable that communication with them was adequate. As one stakeholder noted, P&G 'has the advantage of 'Safer Together' where operators share details on incidents, obviating the need for the Inspectorate to issue a specific safety alert. However, P&G stakeholders were also generally appreciative of the level, and type of information provided by that Inspectorate. The following is a representative sample of the feedback received:

'Release of information needs to be far quicker. NSW shares information on incidents in 14 days. Even the NSW weekly emails are great. NSW is much more open, much more willing to share. Their website is much better. NSW information is much more specific' (industry representative).

'The overall volume of published Safety and Health Alerts and the frequency of Incident Periodicals has declined in recent years [and] key findings or recommendations are often released long after an incident has occurred' (industry representatives).

'RSHQ should establish formal, regular information-sharing mechanisms to address the persistent lack of timely communication across the industry. Delays in releasing critical safety information hinder proactive risk management and undermine transparency...[we] recommend inspectorate nature and cause reports should be tabled within twelve months of an incident' (union representatives).

'There is an absolute lack of transparency, particularly when it comes to investigations. Where are the reports that help me to understand what I need to learn and manage? NSW is much better, and the websites are starkly different in the information that is provided' (industry representative).

'We're not sure the right sort of information is provided in the MMQ quarterly report. We need more information that we can disseminate to our members. If we say we're running a workshop they'll always show up but we need more information to mail out. Their website is pretty difficult to navigate' (industry association).

'It is unbelievable that the reports on North Goonyella, Grosvenor and Moranbah never went out to the public! The regulator has done nothing to prevent repeats. They say 'we might be having a prosecution' for everything! The biggest concern with RSHQ is its lack of release of information'. (industry representative).

'NSW rapidly shares information. The NSW weekly summary is very useful. I print it out for my undermanagers, and it comes from another state! NSW information is very easy to access and provided far more frequently' than information from RSHQ. There is also a quality issue. The RSHQ quarterly is vague' (industry representative).

'NSW sends out a weekly report. It's really useful. We get no information on investigations at all from the inspectorates, and we want to see much more' (union representatives).

'You have to go through RTI to get anything meaningful from RSHQ' (industry representative).

'Engagement is generally sound, but more should be done in regional Qld, and regular meetings should occur with the Chief Executives' (industry association).

'The P&G Inspectorate provide a fortnightly newsletter. They focus on the information we need to know' (industry association).

Notably, most RSHQ stakeholders, including the CEO and other BOM members have also expressed the view that RSHQ needs to be sharing more information more regularly, on incidents, investigations, issues and trends. While a handful of senior leaders thought that information sharing might be impacted by 'capability issues' within the organisation, most RSHQ stakeholders, from a variety of backgrounds, argued strongly that the current situation was a product of three things:

- An internal informal 'policy' against sharing information on any incident that could be prosecuted.
- A misdirected focus on 'media polish' for a general, rather than resources specific, audience.
- The role being played by the media and communications group within RSHQ.

The following is a representative sample of the feedback received:

'If something goes to prosecution our policy is we won't release anything. But also, Comms think our stakeholders are the media. The stakeholders that matter are the miners'.

'Preparing for potential prosecution and sharing information can be in conflict. We are more risk averse on sharing than other regulators. We struggle to find the pathway'.

'We are not doing what we should be. Safety Alerts should go out in a week. But Comms change the wording. The Comms people are writing for a general audience so they do things like changing the name of a piece of equipment, which is unnecessary and slows things down'.

'The inspectors no longer bother much with Alerts. It's just too hard to get through Comms. Instead of trying to get through Comms' approval some inspectors just send out group emails'.

'The Comms team look to do 'positive media' - media releases rather than Safety Alerts. Comms will stop something for fear that it will make RSHQ look bad. In February a coal periodical was stopped by Comms because they didn't like the look of it'.

'Comms are in the way. They are more focused on how things are presented than the actual message. It is very frustrating that we haven't released information on incidents at Moranbah and Grosvenor'.

'Comms have become a roadblock. They don't seem to understand that it's not a media release, it's a technical piece of information. This year we've only put out 4 periodicals. They seem to disappear in Comms'.

They change words until you lose the meaning.

And South Australia's website is way better than ours. We refer people to South Australia to find out things'.

'Alerts should have the information you need and a call to action. But we're putting out things that are general and fluffy. There's an approval process that nullifies the effect of the communication'.

It should be noted that some RSHQ BOM members rejected the notion that media and communications staff are essentially acting as 'gatekeepers' and blocking the release of useful information to industry stakeholders.

Stakeholder Feedback – Engagement

External stakeholders from all backgrounds were appreciative of RSHQ staff's willingness to convene, and attend engagement forums, but many were seeking more two-way exchanges of views at these events. For some stakeholders, RSHQ is seen as willing to talk 'at' industry but not to talk 'with' it. The following is a representative sample of the feedback received:

'Engagement is generally sound, but more should be done in regional Queensland, and regular meetings should occur with the Queensland Chief Executives (and equivalents) (quarrying representatives).

'We have regular meetings with them, and they consider our items and respond to our questions. We are starting to look ahead and work on problems together' (P&G representatives).

'The SSE and Underground Forums are very beneficial, but RSHQ could use the SSEs more to achieve outcomes' (mining representative).

'They will come to our conferences, and we get the most information from RSHQ at those' (union representative).

'When the Chief Inspector provides feedback at SSE forums or similar, attendees feel they are being told what they will do, rather than having information shared in an open, consultative, forum' (mining representative).

'RSHQ do not listen and have preconceived notions' (mining representative).

'Current consultation processes are largely pre-ordained, restrictive, and driven by departmental or political agendas rather than genuine engagement with operational experts' (mining representatives).

Some industry stakeholders also expressed frustration that RSHQ tended to ignore those companies that were not members of major industry associations such as the QRC.

Stakeholder Feedback – Trust and Reprisal

The Review Team received feedback from many external stakeholders, from all sectors, to the effect that they did not feel comfortable sharing their thoughts on safety and health challenges with RSHQ. Several mining industry stakeholders noted that SSEs had now reached the point where they would only talk openly at forums when all RSHQ staff had left the room. Multiple stakeholders felt that honest sharing on issues with RSHQ would lead to punitive responses. Multiple stakeholders also felt that honest sharing on RSHQ performance would lead to reprisal. It should be emphasised that stakeholders tended to distinguish between inspectors who could be relied on to have open, productive conversations, and those who could not.

Notably, almost all of those who provided submissions to this Review, regardless of their background, indicated that they were only sharing their issues and concerns in detail on the basis that these submissions would not be provided to RSHQ.

Discussion

The Review Team has assessed a variety of RSHQ documents intended for external stakeholders, and some documents on internal RSHQ thinking about information sharing and engagement. The Reviewer has also sighted several examples of internal modification of draft documents intended for release to industry stakeholders. In addition, the Review Team has considered the approaches taken to information sharing and engagement by several other regulators, including the NSW Resources Regulator. Given the extensive public facing accountabilities of the Explosives and P&G Inspectorates, the Reviewer has also examined the nature and extent of information available to non-resource sector parties including the general public.

The Reviewer has not had the opportunity to probe in any detail the role of the media and communications group within RSHQ but notes that documents provided by RSHQ do suggest a strong focus on how documents are presented (e.g. on wording, and formatting) rather than on provision of timely, meaningful

information to key industry stakeholders. The comment in one briefing that external communications should be ‘quality over quantity’ rather misses the point that both are required.

The Reviewer is of the view that:

- RSHQ’s information sharing with external stakeholders is inadequate and should be improved as a matter of urgency.
- The plan to improve RSHQ’s approach to investigations should include consideration of how best to provide information on serious incidents even when those incidents may result in a prosecution.
- The CEO should review current processes for approval of written communications to external stakeholders to ensure that the emphasis is on release of more substantive information, more regularly, rather than on wordsmithing.
- RSHQ should closely examine and learn from the level of detail on incidents, compliance priorities, and general activities provided by the NSW Resources Regulator on its website, and in its regular communications.
- The public facing information available on the RSHQ website in regard to explosives and gas is inadequate given the nature of the audience, and the potential risks to members of the public.
- The BOM should give consideration to how to open up more opportunities for genuine, open, two-way engagement with stakeholders, including those who are not members of major industry associations.

The Reviewer notes the planned development of a ‘RSHQ Stakeholder Engagement and Communication Strategy’. While this is certainly desirable, the Reviewer does not believe that the above actions should be delayed until a Strategy is finalised.

In the event that a governing board is established, RSHQ’s approaches to information sharing and engagement should be oversighted by the board.

Data Capture and Use

RSHQ is endeavouring to improve the capture and use of data. A key component of this improvement effort is the introduction of the new electronic incident management reporting system (IMRS), and the establishment of the Central Assessment and Performance Unit Incident Response (CAPU-IR) team within the EPMO who provide an initial assessment of serious incidents. At this stage the IMRS has been ‘rolled out’ to all coal mines and the majority of MMQ operations. There are plans to bring other data sources such as Mine Record Entries and Directives onto the same platform.

The incident reporting system is one component of the broader Enterprise Operating System (EOS) initiative which also includes planned changes to the handling of licensing for the Explosives and P&G Inspectorates. The entire EOS implementation is currently scheduled to be completed by the end of 2027. EOS represents a major, and expensive, commitment by RSHQ.

The EOS Project has been overseen by a Steering Committee, with changing membership dependant on the current priority areas, which reports to the BOM.

The Review Team received some feedback from mining industry stakeholders on the new IMRS and CAPU-IR. In the main, stakeholders welcomed the new systems but some expressed concern about a reduction in access to inspector expertise, and there was a general view that stakeholders were yet to see any improvements in data analysis or inspectorate practice, (unsurprising, given the recency of these changes). The following is a representative sample of the points made:

‘I’m positive about the new incident reporting process...but the inspectors are not critically analysing the data’ (industry representative).

Re the IMRS 'there have been a few teething issues but it is pretty good. One gap in the system is feeding information through to the ISHRs. You don't have to tell them in the new process, but we do. There's minimal information coming back to industry from the system though' (industry representative).

'It's an improvement in that it reduces the likelihood of 'inspector shopping' when you report, but with CAPU-IR you get the inspector on call, and you are not always referred to an inspector with the right expertise. In NSW once you log the incident you will receive a call back from an inspector with the relevant expertise' (industry representative).

'Collecting data might have improved, but are they using it strategically?' (industry representative).

'The data we see from CAPU doesn't align with what's going on on the ground. There is a discrepancy, for example, between Heart Bus findings on silicosis and the CAPU figures' (union representative).

However, the Review Team were provided with considerable feedback from within RSHQ to the effect that new approaches to incident reporting and triaging had not been adequately 'bedded down', before the 'EOS caravan moved on'. The following is a representative sample of the points made:

'They've put in a minimum viable product but they're not responding to feedback on how it works in practice. Why would you have incident reports on the new system but not also put MREs on them? It's not scheduled for 1.5 years. MRE data has to be dumped across to the new system every week, but because entry on the two systems is different the data is not the same. And they've now moved on to focus on gas'.

'We have a stock-car product, not one with the enhancements we need. And not all of the inspectors have been properly onboarded. They've said they're moving onto licencing, but it's not finished. I think the Board has been told that it is'.

'CAPU-IR information collecting is working ok, but it's harder than it used to be to take data out to identify common problems. I have to ask the data people to run a report. Among the inspectors there's a level of frustration about accessing information, and some of them will stop asking'.

'EOS is a good initiative, but they've bitten off more than they can chew. The incident management aspect of EOS is running but it needs to improve. We're a long way from getting this right. But now they're moving on. We need to complete incident management'.

'Out in the regions we're the end users and we're not listened to enough. No one asks us how we are actually finding the system'.

'EOS implementation and the change management necessary for it is not being fully discussed at Board level. We're seeing an increase in people feeling like they're not being heard. There needs to be a more holistic view of what the EOS portal is. There is a need for a change management piece'.

'Some inspectors are resistant because they can't self-serve on the data like they used to...but senior leadership hasn't pushed. You need KPIs on the use of the system'.

Having said this, the Review Team did receive examples from a handful of RSHQ staff illustrating how they had used 'CAPU-IR data' to improve preparation for inspections.

Discussion

The Reviewer appreciates, as do all RSHQ stakeholders who engaged with the Review, that implementation of new systems will take time, as well as adjustment on the part of those used to other processes. However, the frustration about the failure to fully embed the initial phases of the EOS project seems grounded in more than discomfort with change.

There is a sense of the project schedule being more important than taking the necessary steps to ensure both that systems are adequate, and that all those who need to use the new systems are enabled, assisted, and required, to do so effectively.

The Reviewer believes there would be value in the RSHQ CEO considering what more can be done to address concerns about system useability and the need for system enhancements.

Approach to Risk

RSHQ has repeatedly expressed a desire to be a 'risk-based' regulator. In 2023 an independent review commissioned by CRSH du Preez was 'unable to identify how this approach was operationalised within the Coal Mines Inspectorate's activity outside of reviewing HPI data on a monthly basis'.¹⁷ RSHQ BOM members have indicated that, in 2025, the organisation overall is 'still at the beginning of the journey' towards becoming a risk-based regulator. Review of a wide variety of RSHQ documents indicates that:

- There is no clear whole of RSHQ view on what it means to be a 'risk-based regulator'.
- There is no overarching 'risk-based' regulatory strategy.
- There is no clarity about what level and types of risk RSHQ is prepared to tolerate in what circumstances.
- Each operational division has endeavoured, often in divergent ways, to use their understanding of major risks to design some operational activities. In the MMQ Inspectorate, for example, there have been targeted campaigns focusing on the prevention of underground fires, and the need for second means of egress. The Occupational Health Division conducts an annual risk assessment to determine what areas to focus on in the coming year.
- Inspectorates are still primarily engaging in activities that are schedule rather than risk-based.
- There is no fully defined pathway on how RSHQ becomes more 'risk-based'.

It is worth noting that many of these matters were also raised in the 2022 Egis Report.

RSHQ stakeholders, from all levels, seemed uncertain as to how best to translate the ambition to be 'risk-based', into reality.

The following is a representative sample of the feedback received from RSHQ stakeholders:

'We haven't been great at this. We've been having conversations about it. We've tried to grow capabilities in the inspectorates and failed'.

'Within the P&G Inspectorate there are some very good examples of focussing on major risks. But there's still a lack of understanding of what risk is. There's cognitive dissonance'.

'On risk-based it is still very much ad hoc. We have no documented robust system in place' to move the organisation towards being a risk-based regulator. 'There is a long way to go to prioritise our resources based on risk'.

'We don't have a scientific basis for our application of 'risk-based'.

'Until recently we had no ability at all to identify what our highest risks were. I've been saying for some time that we need a more methodical approach'.

'Some of the inspectors are still struggling to work out how to operate in a risk-based way. We're not learning enough from other jurisdictions and regulators'.

'We don't assess risk in a process-based way. Risk assessment is on a wing and a prayer. It depends on the person. Our Chief is pushing this more which is good'.

'In terms of the process we use, it's mostly in our heads'.

External stakeholders, from a wide variety of backgrounds, indicated that they saw no evidence that, overall, RSHQ prioritised its activities on the basis of risk. (Though stakeholders did acknowledge that RSHQ had

¹⁷ Noetic, *Review of the Effectiveness of RSHQ as a Regulator*.

conducted targeted campaigns on particular issues). There were some exceptions to this - for example stakeholders in the downstream P&G sector believed that the Inspectorate clearly prioritised oversight of 'risky operators'. For many stakeholders, the key concern was that RSHQ enforcement activities were not proportionate to the risks involved. The following is a summary of the feedback received:

'We have observed a growing tendency among inspectors to issue directives in response to minor compliance issues' (mining representative).

RSHQ needs to 'align regulatory activities with risk profiles, shifting from reactive enforcement activity to proactive risk-informed engagement' (mining representative).

'It is our belief that RSHQ has shifted too far towards prescription' (mining representative).

There is a need to 'shift from punitive enforcement....[to] develop a clear, proportional, outcomes-focused model' of regulatory action (mining representative).

'There is a need to differentiate quarrying from other mining in terms of its actions and activities due to its different scale, target resources....mode of operations and deteriorating safety performance' (quarrying representatives).

'The inspectors will visit a site and it all seems fine and then you get 4 SCPs. It's about meeting their KPIs. I don't really see RSHQ operating in a risk-based way. Giving a SCP because the grass has crept up on a sign is not helpful' (quarrying representative).

'They're not focussed on the major issues. Management of contractors at surface mines, strata control, and spon com' (mining representative)

'RSHQ's compliance activities often focus on low level administrative matters, for example the legibility of physical signage. RSHQ could usefully recalibrate their focus on higher risk activities, critical controls or assuring completion of critical process safety processes' (P&G representative).

Discussion

The Reviewer has no doubt that the RSHQ BOM has a genuine desire to transition the organisation to become a more risk-based regulator. However, efforts to make this change seem to have been piecemeal, rather than comprehensive, and slow. It is not clear to the Reviewer that there is a shared view at senior levels as to what changes should be made, in what order, by what timeframe. There does not seem to be, as several RSHQ stakeholders indicated, any 'pathway'.

There would be value in RSHQ moving quickly to develop and agree on a risk-based Regulatory Strategy ('how do we want to behave') and, crucially, an Implementation Plan, ('how will we make that happen').

In the event that a governing board is established, this entity could be well placed to guide, oversight, and assess RSHQ efforts to become more risk-based.

Competency

The Review Team considered the question of RSHQ 'competency' in two distinct ways namely:

- The competency of the BOM to provide strategic leadership and decision making, to identify and respond quickly to issues, and opportunities, and to hold each other and the organisation to account.
- The extent to which RSHQ has the necessary mix of competencies to fulfill its core functions.

In the absence of any substantive, ongoing external oversight, it has been left to the CEO and the BOM to set strategic direction, to ensure that the organisation is delivering on that direction, and to identify and address fundamental issues and opportunities for improvement. As the bulk of this Report indicates, the record in all of these areas is mixed. The Reviewer's view is that while the CEO and members of the BOM

have been endeavouring to 'work at the right level', there is a considerable way to go before this will be the case.

With regard to the overall competency of the organisation, the Reviewer has been advised that the planned development of a Capability Framework for RSHQ has been placed on hold given other organisational priorities. Discussions with RSHQ stakeholders suggest that there is considerable tension within the organisation as to what skills mix is required, including within the Inspectorates. While some stakeholders, particularly at senior leadership level, feel that the mining Inspectorates should steadily reduce their focus on employing individuals with Certificates of Competency in favour of individuals with broader 'regulatory' skills; others argue passionately that given the highly technical nature of the work done by the regulated community, the mining Inspectorates should be looking to increase the number of 'ticket holders'. RSHQ stakeholders commenting on the P&G Inspectorate typically felt that while the Inspectorate had all the downstream skills and experience it needed, there were competency gaps in the skills required to 'regulate the middle of the lifecycle' as well as the upstream sector.

External mining, and P&G sector representatives highlighted a variety of perceived competency gaps within RSHQ, (Explosives Inspectorate competency has been dealt with in a previous section). Stakeholders in the mining sectors (both coal and non-coal) were typically looking for more, not fewer, inspectors with Certificates of Competency, preferably at First Class Level. The following comments are representative of the feedback received:

'All the inspectors I dealt with in NSW were 1st Class Mine Managers. That level of competency isn't required in RSHQ, and it breeds inconsistency. What are the competencies the Inspectorate needs? Sometimes a Ventilation officer or a Mine Manager is receiving instructions from Inspectors with deputy's tickets' (industry representative).

'Some certificates are important, but you also need regulator competencies and competencies in communication and engagement. Still, at the moment we don't have enough statutory tickets in the regulator' (industry representative).

'Younger, more automation and systems literate people are not the ones going into the inspectorate in Qld but they are doing so in NSW' (industry representative).

'There needs to be defined competency criteria for inspectors. It is outrageous that people can be appointed as inspectors who do not have relevant competencies' (industry representative).

'There are real variations in inspectorate competency and the way they engage. The competency has been waning over time' (industry representative).

'P&G Inspectors appear to have good experience with downstream assets and activities (LPG, reticulated networks etc), however at times they appear to have a lack of understanding of the complex nature of upstream and midstream asset integration' (industry representatives).

'Uneven [inspectorate] performance coincides with the removal of the First Class Mine Manager's Certificate requirement, which is a standard...[which]..should be reinstated. Without highly qualified personnel, the consistency, rigour and integrity of the inspectorate is compromised' (union representatives).

'Inspectors often lack modern risk assessment skills and operational immersion. Continuous Professional Development (CPD) is insufficient and not aligned with industry needs' (industry representative).

There is a need to 'actively recruit inspectors with First Class Mine Manager's Certificates or SSE level experience' (industry representative).

Several industry stakeholders also questioned what they perceived as a 'lack of diversity' in the Inspectorates. There was a view that RSHQ should be actively targeting women, younger people and culturally diverse candidates in order to reflect the changing nature of the resources sector itself.

Discussion

Defining the competencies required by RSHQ, and determining the extent to which these are extant, or need to be developed or sourced, are major pieces of work beyond the scope of this Review.

The Reviewer notes that SIMTARs has previously carried out training needs analysis for existing Inspectorate roles. While this is to be applauded, there nevertheless remains a need for RSHQ to determine its preferred competency mix overall. The internal debate over the desirable proportion of statutory certificates also needs to be resolved.

These are matters that should be a priority for the RSHQ BOM, ideally with oversight from a governing board.

Consistency

Achieving regulatory consistency is both a priority and a challenge for most regulators. RSHQ has identified a need to improve the consistency of its approaches including to engagement and enforcement.

External stakeholders who engaged with the Review commonly raised concerns about inconsistent advice, responses, and enforcement within the individual RSHQ inspectorates. Some mining stakeholders felt that inspectorate consistency was slowly improving. Explosives industry stakeholders typically indicated that inspectorate consistency was deteriorating. Stakeholders from various backgrounds provided the Review Team with specific examples of what they saw as inconsistent advice, decision making, and enforcement. Again, to preserve stakeholder anonymity, and at the request of the stakeholders concerned, the Reviewer has chosen not to include these examples. The following is a representative sample of the feedback received:

‘No two inspectors are the same in what they ask for’ (explosives industry representative).

‘Their delivery is still inconsistent. Their interpretations of legislation can be confusing. They are confusing on PHMPs. They have varying views of what a critical control is. I would like things to be easier to interpret and follow up’ (mining industry representative).

‘There’s an ongoing lack of consistency between the inspectors’ (union representative).

‘Take RS 22, every inspector has their own view on what it means. Nine months after it was enacted the Chief said ‘we’re running out of patience with the industry’, but be consistent about what you want and then do something about it!’ (mining industry representative).

‘They’re not consistent in the regions. It’s still personality driven to some extent. Some of our site leads will go to the inspector they feel they’ll get most value and advice from. Not all of them are penalty focussed. But it is better than it was in the late 2000s’ (mining industry representative).

‘The opinion of one inspector can be very different from another’s and it’s not clear what the variation is based on. We were criticised for something a previous inspector had agreed to! Consistency is improving a little’ (mining industry representative).

We ‘have observed that the exercise of personal discretion by individual inspectors has, at times, resulted in inconsistent approaches to risk management across different sites...This inconsistency has led to conflicting regulatory messaging, uncertainty regarding compliance expectations and confusion among obligation holders’ (mining industry representatives).

‘Varying interpretations of legal requirements including standards are occurring across inspectors, companies, and Qld regions which is creating uncertainty and an unlevel playing field. A more standardised approach to audits and inspections is needed’ (quarrying industry representatives).

‘Complaint-handling remains inconsistent: while some inspectors exercise professionalism and due diligence, others fall short of expectations’ (union representatives).

‘The current state of the Explosives Inspectorate is one of disjointedness, inconsistent decision making...[with] officers at all levels providing feedback to industry that in some cases reflects their own personal view rather than the intent of the legislation’ (explosives industry representatives).

Discussion

The Reviewer believes that the RSHQ BOM should be dissatisfied with the current level of consistency within the Inspectorates. While acknowledging that inspectors will always need to make individual decisions under the legislation, there is more that can be done to ensure that those decisions are based on a shared understanding of key concepts, (e.g. ‘critical controls’), and of what is acceptable, and what is not.

The Reviewer suggests that the RSHQ BOM should accelerate plans to improve consistency within, and then subsequently between, inspectorates. Once again, the adequacy and implementation of those plans could be subject to oversight by a governing board.

Measuring Effectiveness

Over the past few years, the RSHQ BOM has made some efforts to transition the organisation from predominantly measuring activity, to measuring outcomes. There have been a number of specific projects designed to explicitly examine how RSHQ initiatives link with visible improvement in the behaviour of regulated communities, and in safety and health. The aforementioned Spirometry project is one of these, but there have also been projects conducted by the MMQ, Coal, Explosives and P&G Inspectorates. At BOM level there have also been discussions on how to define and disseminate ‘regulatory stories’ that ‘showcase’ RSHQ impact, rather than outputs. There have also been some attempts to understand how regulated communities view RSHQ performance, including for e.g. the Occupational Health Division’s recent survey of the experiences of regulated doctors.

Having said this, as RSHQ stakeholders from varying backgrounds acknowledge, and as perusal of Divisional operational plans reinforces, measuring activity rather than outcomes remains the dominant approach within RSHQ.

In addition, each Inspectorate still appears to be taking differing approaches to measuring activity (though there are clear similarities between the MMQ and Explosives Inspectorates). As an example, while some Inspectorates have targets for the number of unannounced and backshift inspections, others do not. There is less of a focus on how timely, transparent, or consistent inspectorate activities are than might be expected from an organisation with a declared focus on improving its approach to measurement of performance.

The Reviewer asked most RSHQ stakeholders how they would know that their activities had made a difference to safety and health. The many thoughtful, but divergent, responses reinforce, as the RSHQ BOM is aware, that improving performance measurement remains in its early stages. Both internal and external stakeholders felt that RSHQ could do more to evaluate the actual impact that the organisation is having on safety and health outcomes. The following is a representative sample of the feedback received:

‘I still think everyone has their own idea of what effectiveness looks like’ (RSHQ employee).

‘We need to do better. We struggle to demonstrate impact and outcomes. We need to shift the dial more quickly’ (RSHQ employee).

‘There are a number of things we do because it is expected of us by Government as a regulator, like scheduling a certain number of unannounced inspections. I’m not convinced it adds value’ (RSHQ employee).

‘I’m not sure inspections is much of an indicator, and the inspectors are focused on hazards that aren’t my priority. There needs to be a more adaptive focus on what really matters mine by mine’ (industry representative).

'I would like to see RSHQ's regulatory priorities. We see them in NSW every six months, and then you can measure outcomes of actions on those priorities' (industry representative).

'We've been very much numbers driven. We don't yet have great examples of identifying issues, acting, and measuring outcomes. The spirometry case is one. We don't have baselines' (RSHQ employee).

'RSHQ should do fewer pointless inspections. There's a lot of ticking the box. They're catching up the numbers' (industry representative).

'We shouldn't just be judged on the number of inspections. NSW do campaigns on certain things. We don't do this much at all. We did target ground control recently' (RSHQ employee).

Discussion

The Reviewer stresses that a *combination* of activity and outcomes measures is the hallmark of an effective regulator. There will always be a need to ensure that inspectorates are onsite listening to workers and duty holders, and viewing practices and issues for themselves.

Having said this, the Reviewer endorses the view that RSHQ needs to continue, and to expedite, work on measuring outcomes. Measuring effectiveness and regulatory strategy should go hand in hand and should be approached from a whole of organisation perspective.

Once again, in the event that a governing board is established that body could provide guidance, oversight, and challenge to RSHQ on measuring effectiveness.

Improvement Focus

The Review Team received some industry feedback to the effect that RSHQ did not seem to be aware of, and was not good at sharing, leading practice including from overseas jurisdictions such as China. The Reviewer did not have the opportunity to probe this aspect in any detail.

In terms of improving RSHQ itself, the Reviewer notes that the organisation has recently established a Regulatory Performance Committee, with representatives drawn from various parts of RSHQ, and has developed a Regulator Effectiveness Framework. Earlier this year RSHQ conducted an evaluation against the framework by means of 'self-assessment by each division or inspectorate'.¹⁸ The evaluation highlighted that RSHQ needed to improve in many of the areas described in this Report. RSHQ acknowledges that the evaluation process itself could be enhanced by external, rather than self-assessment. Some RSHQ stakeholders were of the view that the self-assessment approach had resulted in a lack of transparency from some divisions.

Discussion

The Reviewer acknowledges the inherent value in assessing RSHQ performance on an ongoing basis within a defined framework. The Regulator Effectiveness Framework endorsed by RSHQ is comprehensive and based on a good understanding of the matters that impact regulator success, or otherwise. The Reviewer agrees with those who have indicated that a more robust, independent evaluation process is required to gain the greatest value from this tool.

Regulatory Capture

Given that avoidance of regulatory capture was one of the rationales for the establishment of the current resources safety and health regulatory model, the Reviewer was surprised to find considerable confusion within RSHQ as to what 'regulatory capture' means. Some interviewees indicated that they avoided providing too much 'interpretation' of the legislation to stakeholders to avoid 'regulatory capture'. One stated that he tried to avoid speaking with industry stakeholders informally in case there was a perception of 'regulatory

¹⁸ RSHQ Regulator Effectiveness Framework, 2025.

capture'. Another felt that RSHQ should not collaborate with stakeholders to develop joint responses to major issues as this would 'clearly be regulatory capture'. And so on. RSHQ skittishness about 'regulatory capture' has been noted by external stakeholders. P&G stakeholders, for example, described 'inspectors refusing to stay in an industry camp, even at their own cost, for fear of 'regulatory capture' and, as a result, reducing in-field time and driving excessively long distances.

The Reviewer was also advised by one _____ that RSHQ still 'doesn't have appropriate risk management in place for regulatory capture. There is no documentation that provides comfort'.

Discussion

The Reviewer believes that for at least some Inspectorate staff misconstruction of 'regulatory capture' is leading to self-censoring of information sharing, and reduction in collaboration and engagement. There would be value in the RSHQ CEO both clarifying what is actually meant by regulatory capture; and ensuring that systems and documentation are fully in place to assist in preventing regulatory capture.

Concluding Remarks on RSHQ

As both research and experience have shown, regulators can have a significant impact on the behaviours of those they regulate, and, ultimately on safety and health. Scrutiny of regulatory performance is important, and appropriate.

The Reviewer is conscious that the RSHQ BOM is already aware of many, (but not all), of the deficiencies identified this Report. The challenge now for senior leaders is to take rapid, effective, action to address those deficiencies. This Report should be a springboard to refreshing and reshaping RSHQ approaches. In the event that a governing board is appointed, the board can guide, challenge, and ultimately assess whether those efforts are sufficient to ensure that RSHQ becomes the fully effective regulator that regulated communities, and workers, deserve.

Summary of Key Findings & Recommendations

For ease of reference, the key findings and recommendations of the Review are summarised below:

The Overarching Regulatory Model

Finding #1

The current resources safety and health regulatory model is intrinsically flawed, and does not provide for adequate oversight, and accountability of the regulator.

Recommendation #1

A governing board should be established to provide strategic direction to, and governance over, RSHQ.

- The board should report to the Minister.
- The CEO of RSHQ should report to the board.
- The board should be comprised of persons with a diverse mix of skills and be appointed on merit.
- A suggested board composition is provided in this Report.
- The RSHQ Act should be amended to provide for the board in legislation.

Finding #2

There is insufficient clarity regarding the role of Commissioner for Resources Safety and Health, and how the CRSH interacts with RSHQ. This and other factors have restricted the effectiveness of the position.

Recommendation #2

The CRSH role should be retained but should be more clearly defined.

- The CRSH should chair CMSHAC and MSHAC, and act as an expert, independent advisor to the governing board on emerging issues and opportunities for improvement in health and safety.
- The governing board should set KPIs for the CRSH role.
- Legislated references to the CRSH 'monitoring, reviewing and reporting to the Minister on RSHQ's functions' and to the CRSH's budget being prepared in conjunction with the CEO of RSHQ should be removed.

Finding #3

While most stakeholders continue to see value in retention of CMSHAC and MSHAC there is general recognition that the effectiveness of the Committees can be improved.

Recommendation #3

CMSHAC and MSHAC should be retained, with some role redefinition and improved practices.

- The Committees should continue to be chaired by the CRSH, reporting through the Commissioner to the governing board.
- The legislated requirement for the Committees to provide the Minister with information on RSHQ should be removed.
- The previous requirement for the Committees to review and provide advice on legislation, recognised standards and guidelines should be reinstated in the legislation, with the Committees reporting on these matters to the governing board.
- The Committees should prioritise information sharing with stakeholders, including through publication of Committee minutes.
- Committee performance should be reviewed regularly.

RSHQ

Finding #4

While there are valid arguments for transferring all or part of the Explosives and P&G Inspectorates to OIR, these are not outweighed by the issues that would arise. There are more pressing matters to be resolved in relation to both Inspectorates.

Recommendation #4

The Explosives and P&G Inspectorates should remain within RSHQ at this stage, with the future structure of the organisation a matter for the governing board.

Finding #5

There are issues raised in relation to the roles and scopes of SIMTARS, Occupational Health, RSHQ Corporate, and the BOE that merit further evaluation.

Recommendation #5

The governing board should consider the future role and scope of SIMTARS, Occupational Health, RSHQ Corporate and the BOE.

Finding #6

RSHQ stakeholders have raised serious concerns about culture and leadership within the organisation.

Recommendation #6

The RSHQ CEO needs to urgently prioritise understanding and resolving internal cultural issues.

- Dysfunction within the P&G Inspectorate needs to be addressed.
- The governing board should oversight RSHQ senior leaders' efforts to improve internal cohesion and employee engagement within RSHQ.

Finding #7

There is inadequate technical expertise at the highest levels of the Explosives Inspectorate. The current situation where the Chief of MMQ is also Chief of Explosives; and where the Chief and Deputy Chief do not have substantive explosives experience and expertise is unsustainable and may be impacting effective regulation of explosives safety.

Recommendation #7

A dedicated, suitably qualified and experienced, Chief Inspector should be appointed to the Explosives Inspectorate as a matter of urgency.

- The incoming Chief Inspector should be tasked with reviewing the adequacy and appropriateness of current regulatory approaches within the Inspectorate.

Finding #8

The current RSHQ approach to investigation of serious incidents requires an urgent rethink. The evidence suggests that:

- With the advent of the SIIU, RSHQ has become unduly prosecution focussed.
- There is a need for greater formal, and in practice, clarity about how the SIIU and the Inspectorates are meant to work together.
- There is a clear need for greater internal, and external, transparency about what matters will be investigated by the SIIU, and, more generally, how the choice of particular enforcement options are made.
- The CEO needs to investigate, and address, the reasons for current dysfunction in the SIIU.

RSHQ can learn from the approach taken by the NSW Resources Regulator to investigation of major safety incidents.

Recommendation #8

The RSHQ CEO should develop a plan to address the issues raised in relation to investigations and enforcement as a matter of urgency.

- This plan should be discussed with internal and external stakeholders and should take account of good practice in other jurisdictions including NSW.

- In the first instance the Minister, and then the governing board, should oversee implementation of the plan to improve RSHQ's approach to investigation of serious incidents.
- RSHQ should give positive consideration to how best to define, and publicise, six-monthly compliance priorities for all of the 'operating divisions' within the organisation.

Finding #9

There is no compelling rationale to support shifting accountability for decision making on prosecutions away from the OWHSP.

Recommendation #9

The OWHSP should retain accountability for decision making on briefs for potential prosecution of RSHQ matters.

- RSHQ should advise affected parties when it provides a brief for consideration by the OWSHP.

Finding #10

RSHQ's information sharing with external stakeholders is inadequate.

Recommendation #10

The RSHQ CEO should ensure the organisation improves information sharing and engagement as a matter of urgency.

- The plan to improve RSHQ's approach to investigations should include consideration of how best to provide information on serious incidents even when those incidents may result in a prosecution.
- The CEO should review current processes for approval of written communications to external stakeholders to ensure that the emphasis is on release of more substantive information, more regularly.
- RSHQ should closely examine and learn from the level of detail on incidents, compliance priorities, and general activities provided by the NSW Resources Regulator on its website, and in its regular communications.
- There should be an increased focus on providing public facing information on explosives and gas.
- The RSHQ CEO and BOM should give consideration to how to create more opportunities for genuine, open, two-way engagement with stakeholders, including those who are not members of major industry associations.

Finding #11

While the new incident management reporting system has been broadly welcomed, RSHQ stakeholders are frustrated by a perceived failure to fully embed this system before moving on to other aspects of EOS implementation.

Recommendation #11

The RSHQ CEO should take steps to ensure that concerns about incident management reporting system useability, and the need for system enhancements, are considered and addressed.

Finding #12

RSHQ's efforts to become a more risk-based regulator have been piecemeal and slow. There is no overarching 'risk-based' regulatory strategy. Inspectorates are still primarily engaging in activities that are schedule, rather than risk, based.

Recommendation #12

The RSHQ CEO should prioritise development of a risk-based Regulatory Strategy and Implementation Plan.

- The governing board should guide, oversight, and assess RSHQ efforts to become more risk-based.

Finding #13

There is no agreed view within RSHQ as to the mix of competencies required for it to deliver its functions, and its planned regulatory strategy. The internal debate about the desirable proportion of statutory certificates needs to be resolved.

Recommendation #13

The RSHQ CEO should determine a preferred competency mix for the organisation, including in relation to management and leadership roles, for subsequent consideration by the governing board.

Finding #14

External stakeholders commonly raised concerns about inconsistent Inspectorate approaches to advice and enforcement.

Recommendation #14

The RSHQ CEO should accelerate efforts to improve consistency within, and then subsequently between, inspectorates.

- The adequacy and implementation of those efforts should be subject to oversight by the governing board.

Finding #15

While the RSHQ BOM has made some attempts to transition the organisation from predominantly measuring activity, to measuring outcomes, there is still considerable work to be done in this regard.

Recommendation #15

RSHQ should continue and expedite work on measuring outcomes.

- Measuring effectiveness and regulatory strategy should go hand in hand and should be approached from a whole of organisation perspective.
- The governing board should provide guidance, oversight, and challenge to RSHQ on measuring effectiveness.

Finding #16

There appears to be some confusion within RSHQ about the term 'regulatory capture' and the steps that should be taken to avoid this.

Recommendation #16

The RSHQ CEO should explicitly clarify, for all staff, the meaning of the term 'regulatory capture'; and should ensure that necessary systems and documentation to prevent regulatory capture are in place.

Implementing This Report

The Reviewer has been asked to provide guidance on how this Report can be implemented, and to suggest implementation timeframes and responsible parties. Should all recommendations be agreed then the Reviewer suggests the following:

Phase 1 – Within 4 Months

Minister and Department

- A Review Implementation Group (RIG) is established within the Department to lead recommendations relating to the overarching resources safety and health regulatory model, and the role and functions of the CRSH. The RIG should:
 - Oversee the development of necessary legislative amendments to the RSHQ Act, and the resources safety and health acts.
 - Develop role descriptions for the independent Chair and other governing board members.
 - Develop a role description for the rescoped CRSH role.
- The Minister meets with the RSHQ CEO to ascertain whether it will be necessary to issue any Directions in relation to implementation of those aspects of the Report that fall within the primary accountability of RSHQ.

RSHQ

- The role of Chief Inspector of Explosives is advertised as a matter of urgency.
- The RSHQ CEO develops, and provides to the Minister, plans to address Review findings and recommendations relating to:
 - Understanding and resolving internal cultural issues.
 - Investigations and enforcement.
 - Improving information sharing and engagement.
- RSHQ commences implementation of improvement actions in response to Review findings on culture, investigations and enforcement, and information sharing and engagement.

Phase 2 – Within 8 Months

Minister and Department

- Necessary legislative amendments are finalised and introduced to Parliament.
- Governing Board members are appointed.
- A substantive CRSH is appointed.

RSHQ

- The RSHQ CEO provides the Minister with a report on approaches taken to understand and resolve internal cultural issues.
- Specific issues regarding SIIU focus, SIIU culture, and SIIU processes and interactions with Inspectorates are addressed.
- RSHQ's compliance priorities are developed and published.

- RSHQ advises affected parties when it provides a brief to the OWSHP.
- Substantive changes are made to increase the flow of information to stakeholders, and stakeholder engagement.
- A Chief Inspector of Explosives is appointed.
- The RSHQ CEO has considered what more can be done to take on board user concerns about the IMRS.
- The RSHQ CEO clarifies the meaning of 'regulatory capture' and ensures necessary systems and processes to prevent regulatory capture are in place.
- The RSHQ CEO provides the Minister with a 6-month status report on the overall implementation of the Review.

CMSHAC AND MSHAC

- The Committees progress improvement actions, including provision of more information to stakeholders.

Phase 3 – Within 12 Months

Governing Board

- The governing board provides strategic direction, guidance, challenge, and accountability for RSHQ.
- The governing board sets KPIs for RSHQ and the CRSH role.
- The governing board reviews the existing internal structure of RSHQ inclusive of consideration of the roles of SIMTARS, the Occupational Health Division, and RSHQ Corporate.
- The governing board considers whether retention of the Explosives Inspectorate and the P&G Inspectorate within RSHQ remains appropriate.
- The governing board commissions a review of the BOE.
- The governing board considers reports provided by RSHQ on progress against all Review recommendations.

RSHQ

- RSHQ commences reporting to the governing board on progress against all Review recommendations.
- A risk-based Regulatory Strategy is developed and provided to the governing board for consideration. Implementation commences.
- The RSHQ CEO determines the preferred competency mix for the organisation and makes a recommendation on this to the governing board.
- The RSHQ CEO accelerates efforts to improve consistency within, and between the Inspectorates and reports on this to the governing board.
- The RSHQ CEO expedites work on measuring outcomes and reports on this to the governing board.

Phase 4 – Within 18 Months

Governing Board

- The governing board provides the Minister with a comprehensive assessment of progress against all aspects of the Review Report.

Final Observation

During the course of this Review, there were some comments and suggestions made by individual stakeholders that have not been canvassed in this Report. This was generally because those comments were very specific to a particular aspect of RSHQ's activities and performance (for example, the Review Team received one submission on cardiovascular disease prevention, and one request for greater engagement between RSHQ and professional bodies) and/or were not raised by other stakeholders. The Reviewer wishes to assure those who took the time to make these comments that they were nevertheless considered by the Review Team.

Appendix 1 – Sources Referenced

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Appendix 2 – Written Comments

EXTERNAL STAKEHOLDERS

Australian Energy Producers.
Australasian Explosives Industry Safety Group.
BHP.
Cement Concrete and Aggregates Australia.
Explosives industry consultant.
Explosives industry duty holder.
HeartCore Group.
Individual mining industry duty holder #1.
Individual mining industry duty holder #2.
Individual mining industry duty holder #3.
Mining and Energy Union.
Mine Safety Institute of Australia.
Orica.
Peabody Energy.
Queensland Resources Council.
Regulated medical practitioner.
Thiess
Union representative.

RSHQ

Thirteen RSHQ employees provided written comments to the Review Team.



Contact details

Professor Susan Johnston

M +61 448114818

E susan.johnston@uq.edu.au

W uq.edu.au

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